



W.P.(MD)No.6656 of 2017

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 10.09.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.(MD)No.6656 of 2017**

S.Arumugham

: Petitioner

Vs.

The Superintending Engineer,  
Madurai Electricity Distribution Circle,  
Tamil Nadu Generation & Electricity  
Distribution Corporation,  
K.Pudur,  
Madurai – 625 007.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the respondents order in Reference No.Ku.No. 02258/118/Me.Po/M.Mi.Pa.Va.Madu/Ni.Aa/Ni.Me/Ni.P1II/Othavi-2/K o.Ou.Mu/16 dated 13.04.2016 to quash the same and further to pass an order directing the respondents to sanction pay to the petitioner @ Rs.22,900/- as on 01.01.2015 on par with his Junior Sri.U.Muthu Special Grade Foreman.



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For Petitioner : Mr.T.Thangasamy  
For Respondent : Mr.B.Ramanathan  
Standing Counsel

## **ORDER**

This Writ Petition has been filed challenging the order dated 13.04.2016 passed by the respondent rejecting the petitioner's request for rectification of pay anomaly on par with his Junior Thiru.U.Muthu in the category of Special Grade Foreman on the ground that as per Rules in force in TANGEDCO, promotions to all categories are being issued as per panel seniority and pay fixation is made accordingly.

### **2.The following are the undisputed facts:**

a) Only due to the initiation of disciplinary proceedings against the petitioner in the year 2010, the petitioner's name did not find a place in the panel for promotion to the post of Special Grade Foreman in the year 2010.

b) U.Muthu was admittedly a junior to the petitioner in the year 2010. However, due to the pendency of the disciplinary proceedings against the petitioner, U.Muthu's name did find a place in the promotional panel for the post of Special Grade Foreman and he was promoted to the said post in June, 2010, overriding the petitioner, despite the fact the he was junior to the petitioner.



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c) The disciplinary proceedings initiated against the petitioner was dropped by the respondent on 12.11.2012 and subsequently the petitioner was promoted to the post of Special Grade Foreman on 17.07.2013.

3. Since the petitioner was not promoted in June, 2010 as a Special Grade Foreman, the petitioner made a request to the respondents to grant him notional promotion to the post of Special Grade Foreman with effect from the date on which his junior U.Muthu was promoted. The same has been rejected under the impugned order by giving the reasons as stated supra.

4. A counter affidavit has been filed by the respondents reiterating the contents of the impugned order. However, in view of the undisputed fact that the petitioner was not promoted to the post of Special Grade Foreman in June, 2010 along with his junior U.Muthu, only due to the pendency of the disciplinary proceedings initiated against him which was subsequently dropped by the respondent, the petitioner will have to be granted notional promotion on par with his junior U.Muthu who was promoted to the post of Special Grade Foreman in June, 2010. The petitioner cannot be penalized when the disciplinary proceedings initiated against him has been dropped by the respondent on 12.11.2012. Since the



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charges were not proved against the petitioner in the disciplinary proceedings and the same was dropped subsequently, certainly, the petitioner cannot be discriminated from U.Muthu, who is admittedly his junior.

5.U.Muthu was promoted to the post of Special Grade Foreman in June, 2010 itself whereas only after the dropping of the charges against the petitioner in the disciplinary proceedings, the petitioner was promoted to the post of Special Grade Foreman on 17.07.2013. By total non-application of mind to the aforementioned facts, in a mechanical fashion, the respondents have rejected the petitioner's request for sanctioning his pay as on 01.01.2015 on par with his junior U.Muthu by giving the reasons that as per their rules in force, the petitioner is not eligible for rectifying the pay anomaly. When the petitioner has been found innocent, necessarily he has to be treated on par with his junior U.Muthu who was promoted as a Special Grade Foreman in June 2010 itself much prior to the promotion of the petitioner to the said post which was only on 17.07.2013.

6.For the foregoing reasons, the impugned order dated 13.04.2016 passed by the respondent has to be quashed and the writ petition will have to be allowed.



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7. Accordingly, the impugned order dated 13.04.2016 is hereby quashed and this Writ Petition is allowed by directing the respondents to sanction pay anomaly to the petitioner on par with his junior U.Muthu as on 29.06.2010 and pay the arrears of salary and other benefits within a period of twelve [12] weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

**10.09.2024**

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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Madurai Electricity Distribution Circle,  
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**ABDUL QUDDHOSE, J.**

MR

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