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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 3570 of 2025

B.Murugan

... Petitioner

..Vs..

1. The Chairman – Cum Managing Director
Tamil Nadu Generation and Distribution Corporation Ltd.,
N.P.K.R.R., Maligai
No.144, Anna Salai,
Chennai – 600 002.
2. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.,
N.P.K.R.R., Maligai
No.144, Anna Salai,
Chennai – 600 002.
3. The Senior Personnel Officer (Recruitment)
Tamil Nadu Generation and Distribution Corporation Ltd.,
N.P.K.R.R., Maligai
No.144, Anna Salai,
Chennai – 600 002.

... Respondents



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PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the second respondent to include the name of the petitioner in the panel for promotion to the post of Assistant (Adm) on regular basis as per the Memo No.053938/604/G.52/G521/2023-3 dated 28.11.2024 and promote him as an Assistant (Adm) as the petitioner is completed his three years of service on the crucial date of 20.03.2023 by allowing the writ petition.

For Petitioner :: Mr. A.Balasingh Ramanujam

For Respondents :: Mr. K.Rajkumar

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the second respondent/ Chief Engineer (Personnel), Tamil Nadu Generation and Distribution Corporation Ltd., N.P.K.R.R Maligai, No.144, Anna Salai, Chennai – 600 002, to include the name of the petitioner in the panel for promotion to the post of Assistant (Admn) on regular basis as per the Memo No. 053938/604/G.52/G521/2023-3 dated 28.11.2024 and promote the petitioner as Assistant (Adm) as he had completed his three



years of service on the crucial date of 20.03.2023.

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2. In the affidavit filed in support of the Writ Petition, it had been contended that the petitioner had been appointed as Junior Assistant (Adm) establishment Class-III on compassionate grounds consequent to an allotment letter issued by the second respondent on 13.03.2020. The petitioner joined duty on 21.03.2020 in the fore noon in the office of the Superintending Engineer/ General Constructions Circle-I, at Thiru.Vi,Ka. Industrial Estate, Guindy, Chennai. There is no dispute that the petitioner had joined duty on 21.03.2020 Fore noon. The petitioner had completed his probation on 20.09.2020 in the post of Junior Assistant under Regulation 95(a) of TNEB Service Regulation and a certificate was also issued in that regard. Thereafter, the second respondent called for preparation of panel by the Memorandum dated 02.09.2023 for preparation of panel for the promotion to the post of Assistant (Admn). The crucial date determined was 20.03.2023 on which date, the eligibility of the candidates would be determined if they had completed three years of complete service. The petitioner had joined duty on 21.03.2020 forenoon. According to him, he had completed his three years of service on 20.03.2023 afternoon. The respondents however taking into consideration that he had completed his



three years only on 21.03.2023 had not placed him in the panel to be considered for promotion to the post of Assistant (Admn) that is the reason, the present Writ Petition has been filed.

3. A counter affidavit had been filed on behalf of the respondents wherein they had been stated that the crucial date was twentieth of March every year. It had been stated that this has been determined by the Board proceedings in B.P.Ms.(Ch)No. 212 Secretariat Branch, dated 12.06.1987. The respondents contended that if the crucial date had been determined as 21.03.2023, then the petitioner would have stood eligible to be considered for promotion to the Assistant (Admn).

4. Heard the learned counsels.

5. The facts are clear. The facts are straight forward. There cannot be any interpretation otherwise. The petitioner had joined duty on 21.03.2020 forenoon. He had completed three years of service by the end of the office hours on 20.03.2023. On 21.03.2023, he had commenced his first date of service in this fourth year. The crucial date for determining panel



for the promotion to the post of Assistant (Admn.) was 20.03.2023. The petitioner had completed his three years of service which was prerequisite to be considered for promotion and to be included in the panel as on 20.03.2023.

6. The argument advanced that he had completed three years only on 21.03.2023 will have to be rejected since 21.03.2023 would be the commencement of the first day of his fourth year in service. The first day of the fourth year would indicate that on the previous day, the petitioner had completed three full years of service. The three full years of service was completed on the closing office hours on 20.03.2023. If the petitioner had joined on 21.03.2023 afternoon then, the argument placed by the respondents would have been acceptable but to his fortune, he had joined on 21.03.2023 forenoon which would indicate that he had completed three years of service on 20.03.2023 on closing of office hours. The order rejecting the placement of the petitioner in the panel for promotion to Assistant (Admn) on the ground that he had not completed three years as on 20.03.2023 will necessarily have to be set aside and interfered with.



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7. An alternate argument was presented by the respondents that no junior to the petitioner had been promoted and therefore, the petitioner is not prejudiced in any manner. But again, the petitioner had not been considered for promotion on 20.03.2023. He was simply rejected to be considered. If he had been considered on 20.03.2023 and if there were vacancies, then the petitioner would have been promoted to Assistant (Admn.) on 20.03.2023. The contention that since no junior had been promoted the petitioner has to wait in the queue to be promoted cannot be accepted. The petitioner's right to consider for promotion was on 20.03.2023. If he was otherwise eligible and if there were vacancies, he had a legitimate expectation to have been promoted.

8. No other reason had been given to reject his consideration for being promoted to the post of Assistant (Admn.), I hold that the name of the petitioner must be included in the panel as on 20.03.2023 and if there was a vacancy on that date and if the petitioner had been otherwise eligible for consideration of promotion then he should be promoted. The respondents may examine the records of the petitioner and pass appropriate orders and if



the petitioner was eligible to be promoted, promote him by placing him in the panel on 20.03.2023. The petitioner is entitled for necessary monetary and service benefits. Necessary orders may be passed within a period of three months from the date of receipt of a copy of this order.

9. The Writ Petition stands allowed. No order as to costs.

06.03.2025

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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C.V.KARTHIKEYAN, J.,

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