



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

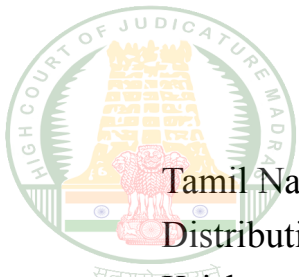
WP No. 2584 of 2019

1. K.Nagarajan
S/o. Krishnan, No. 200/ 25, IXth Cross
Street, Kamaraj nagar, Sipcot Post,
Hosur Taluk Krishnagiri District
Krishnagiri

Petitioner(s)

Vs

1. The Chairman Cum Managing
Director,
No. 144, Anna Salai, Chennai -
2Chennai
- 2.The Chief Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd., Gandhi
Nagar, Katpadi, Vellore District
- 3.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Dharmapuri Electricity Distribution
Circle, Dharmapuri - 5
- 4.The Superintending Engineer,



Tamil Nadu Generation and
Distribution Corporation Ltd.,
Krishnagiri Electricity Distribution
Circle, Krishnagiri

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the entire records connected with the impugned board proceedings, passed by the 1st respondent vide B.P.Per.(Ch and MD) No. 85 Administrative Branch, dated 20.04.2015 and quash the same and direct the 3rd and 4th respondent to include the name of the petitioner in the appropriate place as per seniority in the temporary panel of selection for promotion as Wireman vide Memo No. 012729/ 532/ Adm.2/ A.3/ F.W/ 2001 dated 05.07.2001 and promote the petitioner as Wiremen w.e.f. 17.12.2002, on par with his juniors, with all consequential service and monetary benefits.

For Petitioner(s): M/s. S.N.Ravichandran

For Respondent(s): M/s. C.Manoharan,
Standing Counsel

ORDER

The writ petition has been filed to quash the order passed by the 1st respondent vide B.P.Per.(Ch and MD) No. 85 Administrative Branch, dated 20.04.2015 and consequently to direct the 3rd and 4th respondents to include the name of the petitioner in the appropriate place as per seniority in the



temporary panel of selection for promotion as Wireman and promote the petitioner as Wiremen w.e.f. 17.12.2002, on par with his juniors, with all consequential service and monetary benefits

2. The petitioner was appointed as a Casual Labourer and he was made permanent as Helper on 30.03.1988. In view of the pending criminal case he was placed under suspension from 01.05.1988 and subsequently his suspension was revoked on 06.06.1999. The petitioner's next avenue for promotion is to the post of Wireman, but his name was overlooked. Hence the petitioner has made a representation on 16.07.2001 to include his name in the temporary panel for promotion to the post of Wireman. On 17.02.2002 an order has been issued by promoting other persons excluding the petitioner by stating that he has involved in a Criminal Case. The departmental proceedings initiated against him were culminated into a punishment of censure and the criminal case had ended in acquittal on 11.03.2004. In fact the disciplinary action has been initiated against the petitioner only for the charge of unauthorized absence. The petitioner was promoted as Wireman only on 13.10.2004, much later than his juniors. So he filed the writ petition in W.P.No.4136/2006 for seeking direction to consider his representation. Subsequently, the petitioner's representation was rejected on 01.08.2013 and the appeal filed by the petitioner was also rejected on 20.04.2015. Against which the present Writ Petition has been filed.

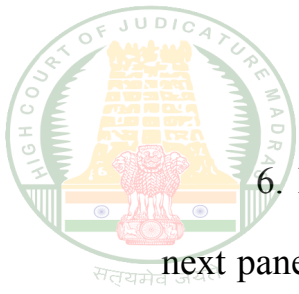


3. Mr.S.N.Ravichandran, the learned counsel for the petitioner, submitted that punishment of censure is not a punishment in order to overlook the petitioner in the matter of promotion. Similarly placed persons like that of the petitioner has filed a writ petition in W.P.No.15442 of 2009 in which this Court has passed an order on 24.11.2009 by holding that the punishment of censure cannot be used for stoppage of promotion. The essential part of the order dated 24.11.2009 in W.P.No.15442/2009 is extracted below:

“ .. 5. Therefore, this Court is of the view that the punishment of censure cannot be used for stoppage of promotion to the petitioner. But in view of the ratio laid down by this Court that minor punishment like the censure cannot be a ground for denial for promotion, the present writ petition deserves to be allowed.”

4. The writ appeal filed challenging the above order in W.A.No.917/2010 was also dismissed on 15.06.2010 and the Special Leave Appeal in SLP No.10999/2011 filed before the Hon'ble Supreme Court was also dismissed by confirming the order of the writ court.

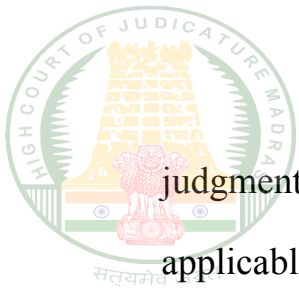
5. Mr.C.Manoharan, the learned Standing Counsel for the respondents submitted that the petition has been filed with a delay of five years and hence the petition is affected with delay in latches.



6. However, the learned counsel for the petitioner, submitted that in the next panel for promotion, the seniority for the petitioner was denied in the year 2018 and promotion for the post of Foreman was granted. Hence the petitioner has got the cause of action subsequently and then filed the writ petition and hence there is no delay.

7. Admittedly the punishment of censure is a minor punishment and that will not pose a hurdle for stopping the petitioner to be included in the panel for promotion. The said fact was not denied by the respondents also. The only contention now raised by the learned Standing Counsel for the respondents is that the petitioner has not challenged his earlier promotion in order to restore his seniority. But the petitioner came to know that his seniority is affected only when he could find that his juniors were promoted in the year 2018 to the post of Foreman. Though it is technically right that the petitioner could have challenged the promotion to the post of Wireman itself at the earliest possible opportunity, the records would show that the petitioner has given representation and he had also filed a writ petition in W.P.No.4136/2006 for seeking direction to consider his representation. Consequent to the direction, the impugned order has been passed in the year 2013. The petitioner has filed a Writ appeal and that was also rejected.

8. As the petitioner has been continuously taking some sort of action for restoring his seniority, the question of delay and laches will not arise. As the



judgment of this Court held in W.P.No.15442 of 2009 dated 24.11.2009 is applicable to the case of the petitioner on the principle that the minor punishment like censure cannot be a hurdle for further promotion of a candidate, I feel the same benefit should be extended to the petitioner also.

9. In view of the same, the writ petition is allowed, and the order passed by the 1st respondent vide B.P.Per.(Ch and MD) No. 85 Administrative Branch, dated 20.04.2015 is hereby quashed and the respondents 3 and 4 are directed to include the name of the petitioner in the appropriate place as per seniority in the temporary panel of selection for promotion as Wireman vide Memo No. 012729/ 532/ Adm.2/ A.3/ F.W/ 2001 dated 05.07.2001 and promote the petitioner as Wiremen w.e.f. 17.12.2002, on par with his juniors, with notional effect from the date when his juniors got promoted to the post of Wireman and further promotion to Line Inspector, Foreman and monetary effect from the date when the petitioner has been actually promoted to Wireman, Line Inspector and Foreman, with all other attendant benefits, within a period of four weeks from the date of receipt of a copy of this order. No costs.

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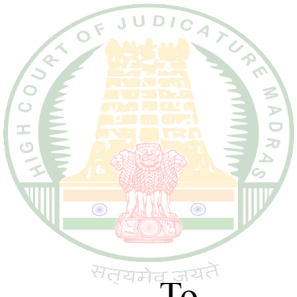
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
WEB COPY

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