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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

W.P.No.5204 of 2025
and WMP.Nos.5781 to 5783 of 2025

T. Subash

.... Petitioner

Vs

1. Tamil Nadu Generation and Distribution

Corporation Limited

Rep.by its Chairman cum Managing Director

No.144, Anna Salai,

Chennai 600 002.

2. The Chief Internal Audit Officer a/c

Tamil Nadu Generation and Distribution

Corporation Limited,

Audit Branch, No.144, Anna Salai,

Chennai 600 002.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the concerned



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records from the respondents and to quash the order of the 1st respondent dated 17.02.2021 bearing Memo (Per) No.19287/A3/A32/2020-3 and the order of the 2nd respondent dated 25.01.2025 bearing letter No.021821/101/F.3/Court Case-DP/2024 as illegal, arbitrary, discriminatory and contrary to law and consequently direct the respondents to assign the due seniority to the petitioner on the basis of being promoted to the post of Assistant Audit Officer on 15.11.2011 and on that basis promote the petitioner to the post of Internal Audit Officer from the date when his immediate junior were promoted by restoring the due seniority, continuity of service and all other monetary benefits.

For Petitioner(s) : Mr.Balan Haridas

For Respondent(s) : Mr.K.Raj Kumar
Standing Counsel

ORDER

This writ petition has been filed for issuance of a writ of certiorarified mandamus to call for the concerned records from the respondents and to quash the order of the 1st respondent dated 17.02.2021 bearing Memo (Per) No.19287/A3/A32/2020-3 and the order of the 2nd respondent dated 25.01.2025 bearing letter No.021821/101/F.3/Court Case-DP/2024 as illegal, arbitrary, discriminatory and contrary to law and

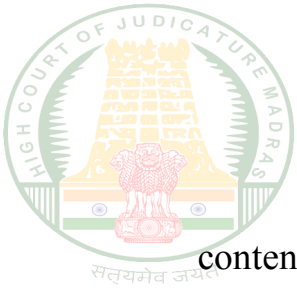


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consequently direct the respondents to assign due seniority to the petitioner on the basis of being promoted to the post of Assistant Audit Officer on 15.11.2011 and on that basis promote the petitioner to the post of Internal Audit Officer from the date when his immediate junior was promoted by restoring due seniority, continuity of service and all other monetary benefits.

2. In the affidavit filed in support of the writ petition, it had been contended that the writ petitioner had passed his higher grade Accountancy on 02.04.2011 and therefore his name was included for being considered for promotion to the post of Assistant Audit Officer on 14.11.2011. But however, the respondents contended that the petitioner had not completed his lower grade in Accountancy and therefore had issued the show cause notice. This also worked to the disadvantage of the petitioner since further promotion were blocked so far as the petitioner is concerned.

3. Let me not dwelve further into those facts since it is now



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contended on behalf of the respondents and a copy of the order is also forwarded by the learned counsel for the petitioner that the request of the petitioner to drop the show cause notice has been accepted and the same had also been dropped by letter No.009246/193/F.3/Court Case-DP/2025-1/Dt.18.03.2025.

4. In effect, the respondents do not contemplate any further coercive action against the petitioner.

5. The learned counsel for the petitioner however contended that the petitioner should be considered for further promotion as Internal Audit Officer but however the learned counsel for the respondents had very specifically stated that depending on the vacancy, depending on the eligibility, depending on merit and seniority and considering all other factors if the petitioner is eligible he would be considered and otherwise an appropriate candidate would be so considered. The respondents may pass appropriate orders in this regard.



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6. With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

03.04.2025

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Index : Yes /No

Speaking Order : Yes/No

To

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C.V.KARTHIKEYAN, J.

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