



W.P.NO.7904 OF 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.7904 OF 2025

S.Anandhi

... Petitioner

VS.

1.The Chairman and Managing Director
TANGEDCO
144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer (Personnel)
Administrative Branch
TANGEDCO
144, Anna Salai, Chennai.

3.The Superintending Engineer
Thiruvannamalai Distribution Circle
Thiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents herein to include the petitioner in the panel year 2021-2022 to the post of Assistant Executive Engineer just above her immediate junior with all service and monetary benefits from the date when the junior was promoted by taking into account the fact that the charges as against the



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petitioner had been dropped vide the proceedings of the 3rd respondent in the Proceedings of the 3rd respondent in Ku.Aa.No.403/Nee.a/P/U1/Ko Expln/2022 dated 26.10.2022.

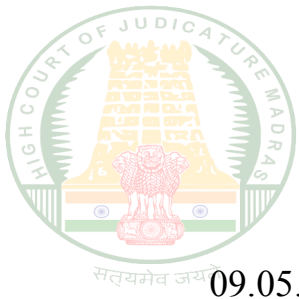
For Petitioner : Ms.Dakshayini Reddy
Senior Counsel
for Ms.S.Suneetha

For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

The writ petition has been filed in the nature of a Mandamus, seeking a direction against the respondents to include the petitioner in the panel for the year 2021-2022 for promotion to the post of Assistant Executive Engineer, above her immediate junior. The petitioner also seeks service and monetary benefits from the date on which her junior was promoted.

2.It is contended in the affidavit filed in support of the writ petition that the petitioner was service as Junior Engineer and was entitled to be included and considered for promotion to the post of Assistant Executive Engineer for the year 2021-2022. However, the petitioner was not placed in the panel due to a charge memo issued on



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09.05.2022 under Rule 8(b) of the TANGEDCO Service Rules, which was still pending at the time. Subsequently, an enquiry was conducted and the Enquiry Officer concluded that the charges were not proved. The petitioner therefore claims entitlement to be considered for promotion and inclusion in the panel for the year 2021-2022. However, the petitioner was not considered because another charge memo had been issued at that time, though the allegations pertained to a subsequent year and not the period when the panel was prepared for promotion to the post of Assistant Executive Engineer in 2021-2022. The Enquiry Officer concluded that the charges in that case also were not established. Therefore, the petitioner should be considered for promotion from the time her junior was promoted to the post of Assistant Executive Engineer in 2021-2022.

3.The learned Senior Counsel for the petitioner placed reliance on the judgment of the Hon'ble Supreme Court in ***DELHI JAL BOARD VS. MAHINDER SINGH*** reported in ***(2000) 7 SCC 210*** and placed specific reference to paragraph No.5 which reads as under:



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'5.The right to be considered by the Departmental Promotion Committee is a fundamental right guaranteed under Article 16 the Constitution of India, provided a person is eligible and is in the zone of consideration. The sealed cover procedure permits the question of his promotion to be kept in abeyance till the result of any pending disciplinary inquiry. But the findings of the Disciplinary Enquiry exonerating the officer would have to be given effect to as they obviously relate back to the date on which the charges are framed. If the disciplinary inquiry ended in his favour, it is as if the officer had not been subjected to any Disciplinary Enquiry. The sealed cover procedure was envisaged under the rules to give benefit oi any assessment made by the Departmental Promotion Committee in favour of such an officer. if he had been found fit for promotion and it he was later exonerated in the disciplinary inquiry which was pending at the time when the DPC met. The mere fact that by the time the disciplinary proceedings in the first inquiry ended in his favour and by the time the sealed cover was opened to give effect to it, another departmental enquiry was started by the department, would not, in our view, come in the way of giving him the benefit of the assessment by the first Departmental Promotion Committee in his favour in the anterior selection. There is. therefore, no question of referring the matter to a larger Bench. '

4.The dictum was laid down by the Hon'ble Supreme Court that when disciplinary proceedings have concluded in favour of the



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delinquent and another set of disciplinary proceedings has begun, the delinquent is still entitled to the benefit of assessment by the first Departmental Promotion Committee for anterior selection. The ratio laid down directly applies to the petitioner herein.

5.A direction is issued to the respondents to consider the petitioner for promotion to the post of Assistant Executive Engineer in the panel for the year 2021-2022 and to place her immediately above her junior in the post of Junior Engineer. The petitioner is also entitled to service and monetary benefits from the date of such placement in the promoted post of Assistant Executive Engineer. Necessary orders in this regard should be passed within a period of three weeks from the date of receipt of a copy of this order.

6.The writ petition stands allowed. No costs.

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Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
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C.V.KARTHIKEYAN, J.

TK

To

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