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W.A.No. 2020 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR.JUSTICE K.SURENDER

**W.A.No. 2020 of 2025**  
**and**  
**C.M.P.No. 15160 of 2025**

1.The Tamil Nadu Generation and Distribution  
Corporation Ltd.,  
Rep. By its Chairman,  
No.144, Anna Salai, Chennai – 600 002.

2.The Secretary,  
Tamil Nadu Generation and Distribution  
Corporation Ltd.,  
Secretariat Branch,  
No.144, Anna Salai, Chennai – 600 002.

.. Appellants

Vs.

1.Dr.M.V.Indumathi,  
Selection Grade Medical Officer,  
Tamil Nadu Generation and Distribution  
Corporation Ltd.,  
No.144, Anna Salai, Chennai – 600 002.

2.Dr.S.Mahalakshmi,  
Chief Medical Officer,  
Tamil Nadu Generation and Distribution  
Corporation Ltd.,  
No.144, Anna Salai, Chennai – 600 002.

.. Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 24.04.2023 made in W.P.No. 578 of 2015.

For Appellants : Mr.K.Rajkumar

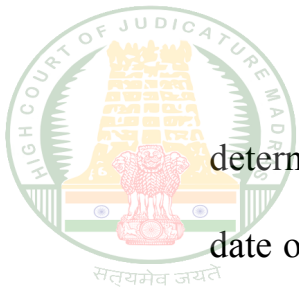
For Respondents : Mr.S.N.Ravichandran for R1

### **JUDGMENT**

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Aggrieved by the order of the learned single Judge dated 24.04.2023 allowing the writ petitions filed by the 1<sup>st</sup> respondent and directing the appellants 1 & 2 to give notional promotion to the 1<sup>st</sup> respondent as Chief Medical Officer, from the date on which, her Junior was appointed as Chief Medical Officer and confer pensionary benefits of the Chief Medical Officer to her, the Corporation is on appeal.

2. The learned single Judge had proceeded on the footing that since the 1<sup>st</sup> respondent has joined duty ahead of Dr.S.Mahalakshmi, who was promoted as a Chief Medical Officer, overlooking the petitioner, the petitioner would be entitled to the above benefits. It is now brought to our notice that even as per the seniority list published in the year 1999, the said Mahalakshmi was senior to the 1<sup>st</sup> respondent as the seniority was



determined on the basis of the communal roaster and not on the basis of the date of joining. It is claimed that seniority as per communal roaster has not been approved by the Hon'ble Supreme Court. Recently, in a contempt petition, arising out of this very issue relating to fixation of seniority on the basis of merit / communal roaster, the Hon'ble Supreme Court had clarified that all the seniority list published prior to 10.03.2003 will stand frozen and only seniority list published after 10.03.2003 will have to be re-visited in accordance with the judgment made in ***Bimlesh Tanwar Vs. State of Haryana and Others*** under (2003) 5 SCC 604.

3. In the case on hand, the seniority list was published in the year 1999 therefore, the same has to be taken for deciding promotions in future. If we are to go by the seniority list published on 20.11.1999, the said Dr.S.Mahalakshmi, who was promoted as Chief Medical Officer ahead of the 1<sup>st</sup> respondent is senior to the 1<sup>st</sup> respondent as she is placed in Serial No.12 and the 1<sup>st</sup> respondent is placed in Serial No.13. Therefore, the very premise, on which, the learned single Judge proceeded appears to be erroneous.



4. Hence, the promotion granted to Dr.S.Mahalakshmi is proper and the respondent cannot seek notional promotions on the ground that her Junior was promoted. We therefore, **allow** the appeal and set aside the order of the learned single Judge directing notional promotion to the respondent, on and from the date on which, the alleged Junior Dr.S.Mahalakshmi was promoted. The writ petition will stand dismissed. No costs

(R.S.M., J.) (K.S., J.)  
23.07.2025

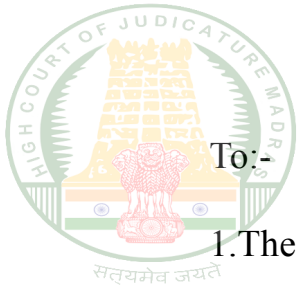
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Internet: Yes

Index: No

Speaking

Neutral Citation : No



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