



WP.No.17751 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.17751 of 2018

and

WMP.No.21018 of 2018

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M.Ravindran,
Electrical Inspector,
(Now Supervisor)
Zone 5,
No.61, Basin Bridge Road,
Old Washermenpet, Chennai-600 021.

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Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai 600 003.

2.The Executive Engineer,
Electrical, Corporation of Chennai,
Chennai 600 003.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records connected with the proceedings issued in Me.Thu.Na.Ka.No.A6/3532/2012 dated 14.04.2018 passed by the 1st respondent and quash the same and consequently direct the respondents to include the petitioners name in the panel for the year 2013-2014 for the post of Lighting Inspector and promote the petitioner as Lighting Inspector.



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For Petitioner : Mr. S.Ilamvaludhi

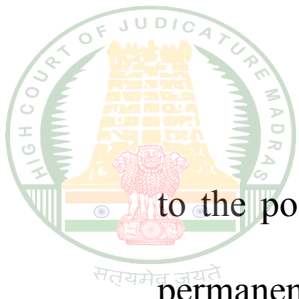
For Respondents : Mr.R.Gopinath,
Standing Counsel for Corporation of Chennai

ORDER

This Writ Petition has been filed to call for the records pertaining to the proceedings issued in Me.Thu.Na.Ka.No.A6/3532/2012 dated 14.04.2018, passed by the 1st respondent, and to quash the same. The petitioner also seeks a consequential direction to the respondents to include his name in the promotion panel for the year 2013–2014 for the post of Lighting Inspector and to promote him to the post of Electrical Supervisor.

2.Heard, Mr. S.Ilamvaludhi, learned counsel for the petitioner, Mr.R.Gopinath, learned Standing Counsel for Corporation of Chennai for respondents and perused the materials available on record.

3. The petitioner possesses a technical qualification of ITI [B Certificate] and has completed X Standard. He was initially appointed as a temporary labourer in the respondent Corporation and was subsequently promoted to the post of Electrical Inspector. In the year 2006, the scale of pay was uniformly fixed for both technical and non-technical staff. A common seniority list was published on 01.07.2008, and based on the said proceedings, eligible candidates were promoted



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to the post of Electrician Grade I. The petitioner's services were regularized as permanent labourer with effect from 23.02.2006. However, since the petitioner's name was not included in the seniority list dated 01.07.2008, he filed W.P. No. 20208 of 2011 seeking appropriate relief. Pursuant to the direction issued in the said writ petition, an impugned order dated 14.04.2018 was passed. In that order, it was stated that the petitioner's name could not be included in the promotion panel on the ground that he did not possess two years of experience in the cadre of Electrical Inspector during the year 2011–2012.

4.The learned counsel for the petitioner submitted that the petitioner was promoted to the post of Electrical Inspector on 17.06.2010 and had completed one year of service in the said post by 2011. Since he had not completed two years of service at that point, his name was not included in the promotion panel. However, it is submitted that the petitioner fulfilled the requirement of two years' experience in the post of Electrical Inspector by the year 2012.

5. The learned standing counsel for the respondents submitted that no promotion panel was drawn for the year 2013–2014. The reason cited for not preparing the panel during that period was the expansion of the Corporation limits, which involved the absorption of Municipality and Panchayat areas into the Corporation. Subsequently, a promotion panel was drawn for the year 2016–



2017, and the petitioner's name was duly included in that panel. It is further submitted that no junior to the petitioner was considered for promotion at any point in time, and hence, no grievance is caused to the petitioner.

6. The learned counsel for the petitioner submitted that the reasons assigned by the respondents for not preparing the promotion panel for the year 2013–2014 cannot be accepted. However, irrespective of the justification provided, it is also understood that there were no vacancies available during that period to accommodate the petitioner or similarly placed individuals in the promotion panel. Since the vacancy arose only during the year 2016–2017, the petitioner's name was included in the panel for that year.

7. However, it is now submitted by the respondents that the qualification prescribed for the post of Electrical Supervisor is a Diploma in Electrical Engineering, along with a requirement that the candidate must have passed the Account Test. It is further stated that the above rule came into effect only on 29.07.2024. Since the petitioner was already included in the promotion panel for the year 2016–2017, it would not be fair on the part of the respondents to retrospectively apply the new eligibility criteria to the petitioner's case.

8. It is to be noted that similarly placed persons were appointed during the



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panel year 2011–2012, and the petitioner had also become eligible by acquiring the requisite two years of experience in the year 2012. However, due to the non-availability of vacancies, the promotion panel was not prepared at that time. As the 2024 Rules cannot be applied retrospectively to the petitioner's case to deny him promotion, I am of the considered view that the petitioner is entitled to be promoted to the post of Electrical Supervisor, with effect from the crucial date on which the promotion panel for the year 2016–2017 was prepared.

9.In view of the above, this Writ Petition is **disposed of** with a direction to the respondents to promote the petitioner to the post of Electrical Supervisor with retrospective effect from the crucial date of the promotion panel for the year 2016–2017. The petitioner shall also be entitled to monetary benefits from the date of actual promotion. The respondents are directed to pass appropriate orders to this effect within a period of four weeks from the date of receipt of a copy of



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R.N.MANJULA, J.
jrs

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this order. No costs. Consequently, the connected miscellaneous petitions is also closed.

27.03.2025

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs

To

1. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai 600 003.
- 2.The Executive Engineer,
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