



W.P.No.31982 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.31982 of 2019

M.Periyasamy,
S/o. Muniappan (Late)
Administration Assistant,
TANGEDCO, Uratchikottai,
Bhavani, Erode – 638 302.

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai – 600 002.

2. The Chief Engineer (Personnel),
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.

3. The Superintending Engineer,
Erode Distribution Circle,
TANGEDCO, 948, EVN Road,
Erode – 638 009.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus to call for the records relating to the rejection order in Letter No.026370/205/G.56/G.561/2018-2 dated 30.12.2018 on the file of the second respondent quash the same and direct the



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second respondent to take his date of appointment as an Assessor viz. 21.07.1999 as the date of posting as Junior Assistant (Administration).

For Petitioner : Mr.M.P.Rajavelayutham
for Mr.S.Doraiswamy

For Respondents : Mr.K.Rajkumar
Standing Counsel for TNEB

ORDER

Heard Mr.M.P.Rajavelayutham, the learned counsel for the Petitioner and Mr.K.Rajkumar, the learned Standing Counsel for the respondents.

2. This writ petition has been filed challenging the rejection order passed by the second respondent in Letter No.026370/205/G.56/G.561/2018-2 dated 30.12.2018 and to direct the second respondent to consider the date of appointment of the petitioner to the post of Assessor viz. 21.07.1999 as the date of posting as Junior Assistant (Administration).

3. The petitioner has been appointed as a 'Helper Trainee' in the year 1999. In the year 1999 the respondent required the petitioner's option for the Internal Selection and the petitioner had opted for the post of 'Junior Assistant'. Despite the petitioner was selected to the post of 'Junior Assistant', he was

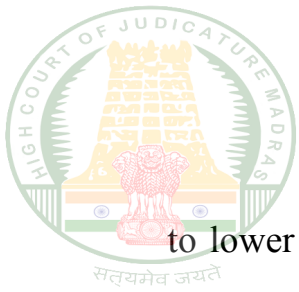


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given with the post of 'Assessor'. In this regard, the petitioner gave a representation through proper channel on 09.07.1999. However his representation was rejected on 30.12.2018. As his request was not considered, the petitioner has filed a writ petition in W.P.No.27736/2017 and got a direction to consider his representation. After his representation was considered, the impugned order has been passed.

4. It is learnt that the petitioner was selected to the post of 'Junior Assistant' and he was allotted to Erode Electricity Distribution Circle. The petitioner was giving repeated representation stating that his appointment as Assessor should be taken into consideration by counting his services in the post of Junior Assistant. The claim of the petitioner is that he was eligible to be posted as Junior Assistant and hence his work as Assessor should be considered as that of the Junior Assistant.

5. The second respondent has passed the order stating that the petitioner has been regularized in the post of Helper and his application to the post of Junior Assistant has been made in the year 2012 through internal selection. It is further stated that the petitioner has not even applied to the internal selection during the year 2006 to 2018. As the petitioner has been given with the option



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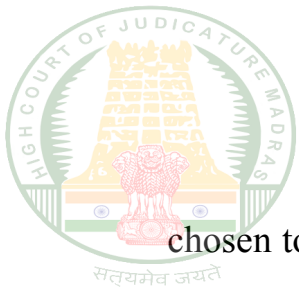
to lower post, he cannot claim in the post or seniority of any post. Aggrieved

over that the petitioner has filed this writ petition.

6. The learned counsel for the petitioner submitted that even in the inception of petitioner's appointment, he ought to have been appointed as 'Junior Assistant' instead of 'Superintendent' as he had the qualifying service.

7. The learned counsel for the respondent submitted that at the time when the petitioner has made his application, there was no vacancy. In the said post the petitioner has been allocated with the post suiting to his educational qualification. He further submitted that the from the post of Helper, the petitioner had acquired two promotions.

8. The petitioner is said to have given consent to be appointed as Junior Assistant in the year 2006 and 2009. In the year 2012 also the petitioner has given consent for appointing him as Junior Assistant but the same has not been established on record. The petitioner had availed the post of Assessor at the time of his appointment without any objection. His services have also been regularized only to the post of Helper by considering him as +2 pass. In fact while giving posting orders to the petitioner, it was made clear that he has



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chosen to joint the post of Assessor on his own volition by giving the option to the lower level post. Under such circumstances, the petitioner intends to workout his seniority by placing him in the internal selection panel to the post of Junior Assistant in the year 2009.

9. As the internal selection is not just by promotion, the petitioner has to substantiate his claim by filing appropriate documents. In fact, the petitioner has not chosen to challenge the original order of her appointment issued in the year 1996 for the post of Helper. Since the petitioner could not be accommodated in the post of Junior Assistant in view of lack of vacancy he has been placed as Assessor and the petitioner has also accepted the said post.

10. The learned counsel for the petitioner submitted that the petitioner had not given his consent to the post of Assessor and he had given objection on 24.12.1999 but the same was rejected.

11. The petitioner's requested to place him to the post of Junior Assistant on transfer has been fulfilled on 14.06.2012 though the proceedings of the respondents. Having accepted the post of Assessor and rendered his services in the said post knowing well that there is no vacancy in Junior Assistant post,



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now the petitioner cannot turn around and claim that his position should be treated as Junior Assistant right from the inception of his appointment though it might not deprive the petitioner from getting any further promotion or opportunity to get recruited, if the petitioner fulfils other eligibility criteria.

12. With the above observation, this writ petition is disposed. No costs.

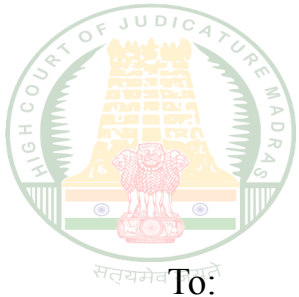
06.03.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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To:

WEB COPY

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R.N.MANJULA, J.

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