

W.P.(MD)No.1241 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

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**THE HON'BLE MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.1241 of 2019

and

W.M.P.(MD)No.1062 of 2019

A.Govindarajan

... Petitioner

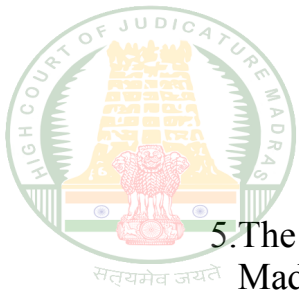
Vs.

1.The Commissioner,  
Department of Employment and Training  
Guindy,  
Chennai-600 032.

2.The Chairman and Managing Director,  
Tamil Nadu Generation and  
Distribution Corporation Ltd.,  
144, Anna Salai  
Chennai-600 002.

3.The Chief Engineer (Personnel)  
Tamil Nadu Generation and  
Distribution Corporation Ltd.,  
144, Anna Salai  
Chennai-600 002.

4.The Assistant Director,  
District Employment Office,  
Govt.ITI Complex,  
K.Pudur,  
Madurai-625 007.



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5.The Superintending Engineer  
Madurai Electricity Distribution  
Circle (Metro), K.Pudur, Madurai-625 007.

6.The Superintending Engineer  
Protection and Communication Circle,  
Tamil Nadu Transmission,  
Corporation Ltd (TANTRANSCO)  
Madurai-635 004.

7.K.Sethurajan ... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the second respondent Chairman and Managing Director of TANGEDCO in Memo No.026374 / 99/G571/2018 dated 28.11.2018 (received on 14.12.2018) and quash the same and further direct the respondents herein to consider the petitioner for appointment to further positions under the second respondent Tamil Nadu Generation and Distribution Corporation Ltd (TANGEDCO) along with K.Sethurajan.

For Petitioner : Mr.T.Cibi Chakraborty

For R1 to R3 : Mr.G.V.Vairam Santhosh,  
Additional Government Pleader.

For R2, R3 & R5 : Mr.B.Ramanathan

For R6 : M/s.M.Parameswari

For R7 : No Appearance



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## **ORDER**

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Under assail is the proceedings dated 28.11.2018 passed by the second respondent.

2.The case of the petitioner is that he was appointed as ITI Helper (Trainee) on 01.03.2014 under the Superintending Engineer, Madurai Electricity Distribution Circle (Metro), K.Pudur, Madurai. He possess qualifications of ITI (Electrician) in 1986 and Diploma in Electronics and Communication Engineering (ECE) in the year 1997 from the Military College of Telecommunication Engineering, which is running by Indian Army). The petitioner previously served as Foreman of Signals in the Indian Army from 21.12.1987 to 30.06.1999 and later on 01.07.1999, he was promoted as Junior Commissioned Officer, after acquiring qualification of Diploma in Electronics and Communication Engineering and served as the same upto 30.06.2011. After completing his service in the Indian Army, he registered his name in the office of Welfare of Ex-Servicemen Department, Madurai. In turn, they registered his name with the fourth respondent's office on 21.11.2011 under priority category of Ex-Servicemen. While so, in the year 2013, the third respondent requested the first respondent to sponsor the eligible qualified



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list of candidates for filling up the posts of ITI Helper (Trainee) in the second respondent Office. The third respondent also invited applications for the said post vide notification dated 29.08.2013 from persons there who fourth respondent office sponsored his name to the said post. He was called for an interview for the post of ITI Helper (Trainee) and he had appeared before the Selection Committee and he was selected to the said post. Accordingly, he joined duty as ITI Helper (Trainee) on 01.03.2014. His appointment was under consolidated pay. On successful completion of his probation ie., 10.09.2105, the sixth respondent promoted him to the present post on 27.09.2016.

2(i).He came to know that after his appointment as ITI Helper (Trainee) and the seventh respondent herein, who is the junior to him in registration seniority under Ex-Servicemen quota had been appointed in the post of Technical Assistant (Electrial). The above said person was sponsored by the Office of Employment Exchange for the post of Technical Assistant, vide Public notification dated 30.05.2013. The petitioner came to know that his name had not been sponsored by the fourth respondent for the direct recruitment for the post of Technical Assistant, instead, the seventh respondent, who is junior to him, had been



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sponsored. The qualification prescribed for the post of Technical Assistant was Diploma Engineering. Though the petitioner was fully qualified for the said post and senior to the seventh respondent in the employment exchange, his name was not sponsored by the fourth respondent for appointment to the post of Technical Assistant. Because of the same, he could not taken part in the selection for the post of Technical Assistant.

2(ii).Later he was appointed as ITI Helper (Trainee) which is a lower cadre post to the post of Technical Assistant. He made several representations in this regard to the respondents 1 to 3 pointing out the gross injustice done to him and requested them to consider his name for appointment to the post of Technical Assistant (Electrical) on par with the seventh respondent. However, his efforts ended in vain. He preferred a writ petition in W.P.(MD)No.5049 of 2018 before this Court seeking for a direction. This Court vide order dated 09.03.2018 directed the second respondent herein to consider his representation and pass orders on merits. Thereafter, the second respondent passed the order impugned dated 28.11.2018 came to be passed by rejecting his request for seeking appointment to the post of Technical Assistant (Electrical) on par with the seventh respondent by stating that his name was not



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sponsored by the concerned Department and that the petitioner had not submitted any application and attended interview for the post of Technical Assistant (Electrical). Hence, the writ petition.

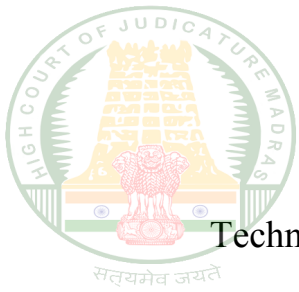
3.The learned counsel appearing for the petitioner would submit that the third respondent invited applications for the post of Technical Assistant on 30.05.2013 and ITI Helper(Trainee) on 29.08.2013. The third respondent have conducted interview for the both post in different month. He would submit that the seventh respondent is also appointed under the category of Ex-Servicemen quota, who is the junior to the petitioner in registration seniority, he has been registered with employment Ex-Servicemen only on 18.03.2013 had been appointed in the post of Technician Assistant (Electrical). The petitioner fully qualified for the post of Technician Assistant (Electrical) and senior to the seventh respondent in the Employment Register. The petitioner has been registered with the employment exchange on 21.11.2011. The name of the petitioner was not sponsored by the fourth respondent to the post of Technical Assistant, because of the same, the petitioner could not participated in the selection for the post of Technical Assistant. He would submit that the petitioner had served for Indian Army for about 23



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years and six months and his service has to be regularised by providing equal opportunity in the employment. To strengthen his contention, he has relied upon the decision of Division Bench of this Court in W.A. (MD)Nos.1470 and batch dated 21.01.2025 to show that “the reservation of posts for ex-servicemen by the Central and State Governments reflects a recognition of the sacrifices made by individuals in service of the nation and the concessions granted to them must be applied reasonably and in a manner that does not penalize candidates for procedural or administrative delays”.

4.Per contra, the learned counsels appearing for the respondents 2, 5 & 6 would submit that the second respondent requested the Employment Exchange to sponsor the list of eligible candidates for filling up the posts of ITI Helper (Trainee) vide letter dated 29.08.2013. Accordingly, the Special Commissioner, Employment Training sponsored the list including the petitioner's name. Thereafter, he was called for the interview, based on the merit and communal roster and he appointed for the post of Field Assistant (Trainee) under Ex-Servicemen priority category on 24.02.2016. He would submit that the seventh respondent was sponsored by the Employment Exchange for the post of



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Technical Assistant (Electrical) as he possessed the qualification of Diploma in Electronics and Communication Engineering. He was called for the interview and based on the merit and communal roster, he was selected and appointed for the post of Technical Assistant Electrical under Ex.Serviceman priority on 26.02.2016. He would submit that the representation submitted by the petitioner was examined in detail and the order impugned came to be passed by giving suitable reply stating that the writ petitioner name was sponsored by the Employment Exchange for the post of ITI Helper during the year 2013 based on his qualification. He would submit that his selection was done under ECE branch as per merit and communal roster on 01.04.2014. But, the petitioner was regularised on 01.03.2015 and therefore, the petitioner had not reached the zone of selection for the post of Technical Assistant (Electrical). There is no reason to interfere in the order impugned.

5.This Court has considered the rival submissions made on either side and perused the available records.

6.It is seen from the counter affidavit filed by the fourth respondent that the petitioner was registered on 21.11.2011 and he also



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registered additional qualification of Wireless Operator through online on 03.08.2011. In paragraph No.4 of the counter, it has been stated that the petitioner was sponsored for the post of ITI Helper (Trainee) to TANGEDCO, Chennai. It is also mentioned that the seventh respondent has also registered in their office and he was also sponsored to TANGEDCO, Chennai.

7.It is seen from the records that the writ petitioner was sponsored by the Director of Employment Exchange for the post of ITI Helper (Trainee) during 2013, since he passed ITI qualification. Therefore, he submitted his application to the said post and based on the selection procedures and communal roaster, he was selected to the post of ITI Helper (Trainee). Further, it is seen from the records that the seventh respondent has passed Electronics & Communication Engineering and sponsored by the Welfare of Ex-Servicemen Department for the post of Technical Assistant (Electrical) with Ex-Servicemen priority and he was selected for the post of Technical Assistant, as per the merits and communal roaster. In the order impugned, it has been clearly mentioned the reasons for non-consideration of the request made by the petitioner, since the petitioner's name was not sponsored by the concerned



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authorities and the petitioner has not submitted application and not attended the interview for the post of Technical Assistant (Electrical).

8.The learned counsel appearing for the petitioner, by citing the judgment supra, would submit that even without any backwages, the petitioner may be considered for the post of Technical Assistant, since reservation of posts for Ex-servicemen should be considered as recognition of the sacrifices made by the individuals in service of the nation.

9.At this juncture, it is relevant to refer paragraph No.14 of the counter affidavit filed by the respondents 2, 5 & 6, which reads as follows:-

*14.I further submitted that, during the year 2019 TANGEDCO decided to fill up the vacant post of Technical Assistant/Electrical by internal selection via online. In this regard, all the SE's were requested to forward the proposal of the employees those who are willing and fully eligible for the above said post vide Lr.dated 02.02.2019. Accordingly 1160 employees applied via online and the proposals was sent to this office from various circles on various dates.*



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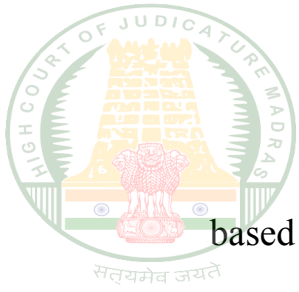


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*Finally the selection was made on 16.05.2020 as per (per) B.P.(FB) No.12 Adm.Branch 21.08.2014. In the said selection also the last employee selected under ECE branch as per merit and communal roster is 01.04.2014. But, Thiru.A.Govindarajan regularised on 01.03.2015. Hence he had not reached the zone of selection.*

10.Promotion *per se* cannot be claimed as a matter of right by the employee. No doubt, consideration for promotion is a fundamental right of the employee. Question of considering the eligible candidates would arise only if an administrative decision is taken to prepare a panel of eligible persons, who all are fit for appointment / promotion. Administration prerogative cannot be insisted upon by the employees though they are eligible for promotion / appointment, as the case may be.

11.The Hon'ble Supreme Court of India held that consideration for promotion is a fundamental right in case of ***Ajit Singh Vs. State of Punjab*** reported in ***1999 (7) SCC 209***. However, in the present case, the last selection was made in the year 2014, the last employee selected under ECE branch as per merit and communal roaster. But the petitioner was regularised on 01.03.2015, since, he had not reached the zone of selection. It is for the authorities concerned to consider the promotion,



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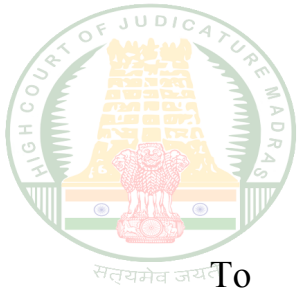
based on their service rules applicable to the employee. There is no merits in this writ petition and the same is liable to be dismissed.

11.In the result, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

NCC : Yes / No  
Index : Yes / No  
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**05.03.2025**



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**M.JOTHIRAMAN, J.**

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