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WP No. 7101 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

**WP No. 7101 of 2020
and W.M.P.No.8461 of 2020**

K.Sumathi

..Petitioner

Vs

1. The Chairman and Managing Director,
TANGEDCO and TANTRANSCO,
Chennai 600 002.
2. The Chief Engineer,
Personnel,
TANGEDCO and TANTRANSCO,
Administrative Branch,
No.144, Anna Salai, Chennai 600 002.
3. The Chief Engineer,
North Chennai Thermal Power Station Stage -1,
Chennai 600 120.
4. The Superintending Engineer,
Purchase and Administration,
North Chennai Thermal Power Station Stage 1,
Chennai 600 120.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus praying to call for the records of the 2nd respondent its Memo No.101810/1231/G1/G11/2017-6 dated 04/02/2019 and Memo No.061372/957/G.1/G.1(1) 2019-4 dated 12/02/2020 relating to the panel for promotion as Assistant Executive Engineer and Quash the same in so far as it does not include the petitioner and to consequently direct the



respondents to promote the petitioner as Assistant Executive Engineer on par with her Colleagues with all attendant benefits including pay fixation, arrears seniority.

For Petitioner: Mr.V.Vijayashankar

For Respondents: Mr.K.Purushothaman
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents and perused the materials available on record.

2. The petitioner by the present writ petition has assailed the action of the respondents in issuing proceedings dated 04.02.2019 and memo dated 12.02.2020 relating to the preparation of panel for promotion to the post of Assistant Executive Engineer for the panel year 2019-2020 to the extent it had excluded the name of the petitioner for being included therein as eligible for promotion and to quash the same with a consequential direction to the respondents to promote the petitioner as Assistant Executive Engineer on par with her colleagues with all attendant benefits including pay fixation, arrears, seniority and other benefits.

3. The case of the petitioner in brief is that she had joined the services of the respondents as Assistant Engineer in the year 2009 and became eligible to



be promoted to the post of Assistant Executive Engineer in the year 2019; that the petitioner was issued with a charge memo in the month of March 2012, to which she had submitted her explanation refuting the allegations; that further action on the aforesaid charge memo was kept pending by the respondents and it is only after a lapse of three years, the respondents have passed an order dated 25.06.2016, whereby, she was awarded with penalty of stoppage of increment for 2 years with cumulative effect; that the aforesaid penalty/punishment period had ended on 24.06.2018 ; that the petitioner become eligible for being included in the panel for promotion to the post of Assistant Executive Engineer in the year 2019-2020, for which, the crucial date is 5th June of every year; and that despite the petitioner becoming eligible for promotion, the respondents did not consider inclusion of her name in the panel for promotion to the post of Assistant Executive Engineer as on crucial date on the ground that “Performance Assessment Report not Received”.

4. The petitioner further contended that furnishing of Performance Assessment Report is not the responsibility of the petitioner, but it is the duty of the concerned authorities to obtain the same before finalising the panel; and for no fault of petitioner, the respondents cannot penalise the petitioner by not including her name in the panel for the promotion to the post of Assistant Executive Engineer in the panel year 2019-2020. Contending as above, petitioner seeks for quashing of the impugned proceedings.



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5. The counter affidavit on behalf of the 4th respondent is filed.

6. The 4th respondent, by the counter affidavit while not denying that the petitioner having completed the penalty period of two years by the crucial date for preparation of the panel for the promotion to the post of Assistant Executive Engineer of the Panel year 2019-2020, however claimed that the petitioner was not considered in the panel prepared on 12.02.2020 for the reason that her Performance Assessment Report was not received.

7. The respondents, by the counter affidavit further contended that it had instructed authorities competent to order promotion to the employees of the Board to consider the suitability and other aspects of the employees whose promotions are to be considered and since, the Performance Assessment Report of the petitioner was not received by the respondents by the time the respondents undertook the preparation of panel vide proceedings dated 12.02.2020, the petitioner was excluded from being considered for promotion to the post of Assistant Executive Engineer.



8. Contending as above, the respondents further submit that the respondents have finalised the panel with due care and as such, no fault can be found with the panel.

9. I have taken note of the respective contentions urged.

10. Admittedly, the petitioner became eligible for being considered for promotion either on 25.06.2019 i.e., after completing the penalty period of two years as visited vide proceedings dated 25.06.2016 or even at the end of the financial year i.e., 31.03.2019.

11. Since, the crucial date for the preparation of the panel for promotion for the year 2019-2020 is 5th June of the said year and inasmuch as there was no penalty proceedings were pending against the petitioner on the said day, the respondents ought to have consider the name of the petitioner for being included in the eligible list of Assistant Engineer fit to be promoted to the post of Assistant Executive Engineer, unless there is any prohibition or restriction in the Rules specifying any period for not being considered for such promotion after having undergone the punishment/penalty under Tamil Nadu Electricity Board (TNEB) Employees' Discipline and Appeal Regulations, 1967, the respondents cannot and could not exclude the name of the petitioner for being included in the panel year 2019-2020.

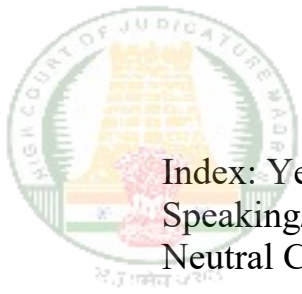


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12. It is not shown to this Court by the respondents of any such restriction operating for consideration of the name of the petitioner for inclusion in the panel year 2019-2020. That being so, the mere non-receipt of the Performance Appraisal Report by the respondents from its own authorities cannot be put against the petitioner for non-consideration of his name for being included in the panel of Assistant Engineer fit for promotion to the post of Assistant Executive Engineer for the panel year 2019-2020. Thus, this Court has no hesitation to hold that the action of the respondents in not including/considering the name of the petitioner for inclusion in the panel year 2019-2020 under impugned proceedings cannot be sustained.

13. Accordingly, the writ petition is allowed and the impugned proceedings are set aside, and the respondents are directed to include the name of the petitioner in the panel for promotion to the post of Assistant Executive Engineer for the panel year 2019-2020, at the appropriate place, and consider granting promotion, if the petitioner is otherwise found eligible, along with consequential monetary benefits. No order as to costs. Consequently connected miscellaneous petition is closed.

28-04-2026**msv**



Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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T.VINOD KUMAR, J.

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