



W.A.(MD)No.3124 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.02.2026

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND

THE HONOURABLE **MR.JUSTICE N.SENTHILKUMAR**

W.A.(MD)No.3124 of 2025

and

C.M.P.(MD)No.18612 of 2025

- 1.The Chariman,
TANTRANSCO Building,
Annasalai, Chennai.
 - 2.Chief Engineer (Personnel),
The Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation
and Distribution Corporation Ltd.,
Anna Salai, Chennai-600 002.
 - 3.The Divisional Engineer,
The Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation
and Distribution Corporation Ltd.,
Thirumayam, Pudukkottai,
Formerly called as Managing Director of
Thirumayam Rural Electric
Cooperative Society (P.A.63),
Thirumayam, Pudukkottai District.
 - 4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation
& Distribution Corporation Ltd.,
Pudukkottai.
- ... Appellants



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Vs.

R.Pandiyan

... Respondent

PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to set aside the order made in W.P.(MD)No.13453 of 2023 dated 07.11.2024 on the file of this Court.

For Appellant s : Mr.M.Ajmalkhan
Additional Advocate General
assisted by Mr.B.Ramanathan
For Respondent : Mr.S.Ramsundar Vijayaraj

JUDGMENT

(Judgment of the Court was delivered by **DR.G.JAYACHANDRAN, J.**)

This writ appeal is filed challenging the order passed by the learned Single Judge in W.P.(MD)No.13453 of 2023 dated 07.11.2024.

2.It is a case of an employee in TANGEDCO, who served as Assistant Engineer and retired as Assistant Engineer. After his retirement in the year 2022, he has preferred this writ petition in the year 2023 seeking for issuance of writ of mandamus directing the respondents to permit him in the post of Assistant Executive Engineer as per the



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seniority list by the proceedings of the second respondent dated 13.09.2022.

3.The learned Single Judge taking note of the fact that in the earlier round of litigation initiated by the petitioner, the Division Bench of this Court, while considering the plea raised by TANGEDCO had made it clear that the respondent herein is not entitled for any benefit from the period of his suspension till 29.01.2016, ie., the date of his acquittal in a criminal case for the alleged corruption charges.

4.The case of the respondent is that his benefit of promotion as Assistant Executive Engineer has to be reckoned from 29.01.2016. However, TANGEDCO has made a specific plea that though the Division Bench has stated that the respondent is not entitled for any benefit for the period of suspension, the respondent after clearing all the cloud over his service, was reinstated into service as Assistant Engineer only on 05.05.2017. Further, on the date on which the learned Single Judge has directed TANGEDCO to reckon the services of the respondent to give notional promotion and fix the pensionary benefits, the respondent was not borne in service.



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5.The learned Additional Advocate General, referring the judgment of the Hon'ble Supreme Court rendered in the case of ***Government of West Bengal and others vs. Dr.Amal Satpathi and others*** [2024 SCC Online SC 3512], submits that notional promotion cannot be extended to a person, who has already retired from service and the person, who was not borne in the cadre at the relevant point in time, cannot claim the benefit of that period of service for any purpose including notional promotion and for fixation of the pensionary benefits. The relevant paragraph of the judgment of the Hon'ble Supreme Court is as follows:

“While we recognize respondent No.1’s right to be considered for promotion, which is a fundamental right under Articles 14 and 16(1) of the Constitution of India, he does not hold an absolute right to the promotion itself. The legal precedents discussed above establish that promotion only becomes effective upon the assumption of duties on the promotional post and not on the date of occurrence of the vacancy or the date of recommendation. Considering that respondent No. 1 superannuated before his promotion was effectuated, he is not entitled to retrospective financial benefits associated to the promotional post of Chief Scientific Officer, as he did not serve in that capacity.”



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6.We find some force in the said submission made by the learned Additional Advocate General appearing for the appellants. The Division Bench of this Court in the earlier round of writ petition has made a specific observation that upto 29.01.2016, the first respondent is not entitled for any benefit. The learned Single Judge has taken that date as the cut-off date for extending the benefit of notional promotion and fixation of pensionary benefits.

7.With this observation, this writ appeal is disposed of. We make it clear that re-fixation of seniority is only for the purpose of granting notional promotion and pensionary benefits and shall not confer any entitlement to any backwages, hence, the same may be implemented within a period of 12 weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[G.J., J.] & [N.S., J.]
16.02.2026

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