

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Sixth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

WP(MD) No.8877 of 2020

V.NAGARAJ

... PETITIONER

Vs

- 1 THE TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LTD.,
REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR,
NO.144 ANNA SALAI CHENNAI-600 002.
 - 2 THE CHIEF ENGINEER/PERSONNEL
THE TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LTD.,
(TANGEDCO), 8TH FLOOR NPKRR MAALIGAI
NO.144, ANNA SALAI CHENNAI-600 002.
 - 3 B.VENKATESAN
JUNIOR ENGINEER GRADE II,
110/11 KV SUB STATION, VANDIYOOR, MADURAI.
 - 4 N.RAMESH
JUNIOR ENGINEER GRADE II,
110/11 KV SUB STATION,
ELANTHAKULAM (I.T PARK) MADURAI.
- ... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a writ of Certiorarified Mandamus by calling for the entire records pertaining to the impugned promotion panel list issued by the 2nd respondent vide his proceedings in Memo No.075171/191/G1(2)/2019-23 dated 30.7.2020 and his consequential Allotment Order vide Memo.No.047806/551/G.13/G.131/2020 dated 31/07/2020 and quash the same and consequently direct the 1st and 2nd respondents herein to prepare a common seniority list for the Diploma Holders and Non-Diploma Holders of Junior Engineer/Electrical Grade-II without applying the 3.1 ratio as per the Judgment of this Honourable Court dated 25.7.2017 made in WP(MD) No.20714 of 2015 and confirmed by the Judgment dated 02.07.2019 by this Hon'ble Court in WA(MD)No.1227 of 2018 and further thereby promote the petitioner to the post of Junior Engineer/Electrical Grade-I.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.AJMAL KHAN Senior Counsel for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of MR.T.SAKTHIKUMARAN, Standing counsel on behalf of the Respondents the court made the following order:-

Heard the learned senior counsel appearing for the petitioner and the learned counsel, who appeared for similarly placed persons, who also filed writ petition in W.P.(MD) No.26597 of 2019.

2.The grievance of the petitioner is that, the impugned promotion has been made by the respondents for 963 people from the category of Junior Engineer Electrical II Grade to Junior Engineer Electrical I Grade. The orders impugned are passed on 30.07.2020 and 31.07.2020. Already, the very same writ petitioner has filed W.P.(MD) No.8398 of 2020, challenging the very same panel itself and it came up for hearing on 31.07.2020. After hearing the learned senior counsel appearing for the petitioner, for the argument of the respondents side, for want of time, it was adjourned with an understanding that, no precipitative action would be taken by the respondents in view of the pendency of the writ petition in W.P.(MD) No.8398 of 2020. However, when the case came up on 03.08.2020, even on that day, it could not be taken up for want of time. However, it was mentioned by the learned senior counsel that, on 31.07.2020, in the evening hours, posting orders, pursuant to the impugned panel, have been given, thereby, the understanding, as has been made on 31.07.2020 when the case was taken up for hearing and was adjourned for want of time, has not been strictly followed or adhered to on the side of the respondents. Though this was disputed by the learned standing counsel appearing for the respondents TANGEDCO on the other day, today, the present writ petition has been filed by the very same petitioner, no doubt, challenging the impugned promotion as well as the posting orders, where, 963 Junior Engineer Electrical II Grade have been promoted as Junior Engineer Electrical I Grade.

3.In this context, it is the vehement contention of the learned senior counsel appearing for the petitioner that, in abrupt and blatant violation of law having been declared by this Court in W.P. (MD) No.20714 of 2015 in the matter of **M.Mohammed Ragiand others V. The Chief Engineer/Personnel, TANGEDCO/TNEB, No.144, Anna Salai, Chennai**, which was confirmed by a Division Bench of this Court, in the intra Court appeal taken by the respondents TANGEDCO, by order dated 02.07.2019 in W.A.(MD) No.1227 of 2018, since this impugned promotions have been made, they would submit that, *prima facie*, the impugned promotions have to be stayed by this Court.

4.However, Mr.T.Sakthikumaran, the learned standing counsel, who accepts notice for the respondents TANGEDCO would submit that,

the impugned promotion having been made have been given effect to. At this stage, if the entire promotion is stayed, that will cause repercussion in the administration of the TANGEDCO. He would further submit that, while making the impugned promotion, no rule has been violated and no order of this Court, as has been projected by the petitioner, has also been violated.

5. Be that as it may, whether the impugned promotion orders are in accordance with the regulations or rule governing the service conditions of the petitioner and similarly placed persons, whether they are violating the judgment of this Court referred to above or not, can be gone into and could be decided only at the time of final hearing of this writ petition. In order to have the balance, based on the *prima facie* case projected by the petitioner side, this Court, instead of interfering with the entire impugned promotions, is inclined to grant an interim order of direction, directing the respondent TANGEDCO to keep two posts vacant in the category of Junior Engineer Electrical I Grade.

6. Now, Mr. T. Sakthikumar, learned standing counsel for the respondent TANGEDCO would submit that, pursuant to the impugned order, though majority of the promotees have joined in the post, where they have been promoted pursuant to the impugned posting orders, still some vacancies are there. The said fair submission made by the learned standing counsel is taken on record. Therefore, there could not be any impediment for the respondents to keep two posts vacant for these petitioners, until further orders.

7. Post the matter on 03.09.2020 along with all the other connected writ petitions. In the meantime, let the respondents file their counter and be ready to get on with the cases for final hearing.

sd/-

06/08/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

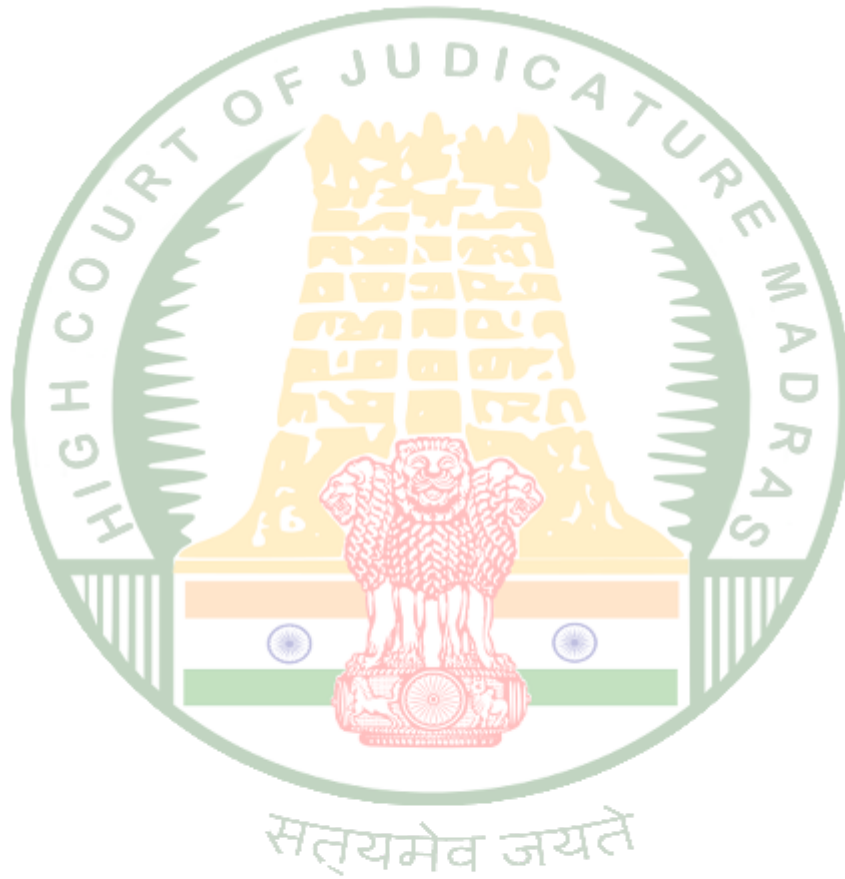
1 THE CHAIRMAN AND MANAGING DIRECTOR,
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<http://www.judic.144>

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ORDER
IN
WP(MD) No.8877 of 2020
Date :06/08/2020

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AE/PN/SAR-III (18.08.2020) 4P 3C



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