

WEB COPY

W.P.Nos.49914/2006 & 24646/20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 05.06.2026

Pronounced on: 12.06.2026

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

W.P.Nos.49914/2006 & 24646/2007

1.K.Kaliyan

2.M.Umapathy

... Petitioners in W.P.No.49914/2006

Vs.

1.Tamil Nadu Electricity Board

Rep.by its Secretary

800, Anna Salai,

Chennai 600 002.

2.The Chief Engineer (Personnel)

Tamil Nadu Electricity Board

800, Anna Salai

Chennai 600 002.

3.The Superintending Engineer

Tamil Nadu Electricity Board

Dindigul Electricity Distribution Circle

Meenatchinaickenpatty Post

Bye-Pass Road

Dindigul 624 002.

4.J.Edwin Raja

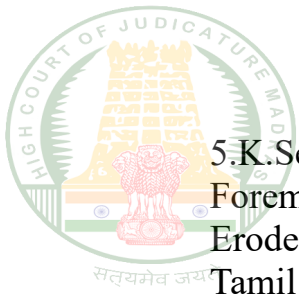
Forman 1st Grade

Tamil Nadu Electricity Board

Sempatty, Dindigul Taluk

Dindigul District.

1/38



5.K.Selvendran
Foreman I Grade O/o. Assistant Engineer
Erode-II Section,
Tamil Nadu Electricity Board
Vedasandur Taluk
Dindigul District.

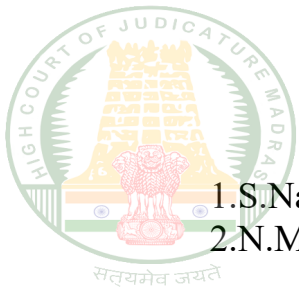
6.M.Joseph Sagayaraj
Foreman I Grade
Operation & Maintenance Section
Tamil Nadu Electricity Board
Kannivadi, Dindigul T.K & District.

7.M.Rajendran
Foreman I Grade
O/o.Assistant Engineer, Rural North (II)
Tamil Nadu Electricity Board,
Collectorate, Bye-pass Road
Dindigul-624 004.

8.M.Chinnamani
Foreman I Grade
O/o.Assistant Engineer
Operation and Maintenance Section
Thadikombu Section
Dindigul Taluk & District.

9.Abdul Kulam Azad
Foreman I Grade
Operation Electricity Board
Tamil Nadu Electricity Board
Sirukudy, Natham Taluk
Dindigul District.

... Respondents in W.P.No.49914/2006



W.P.Nos.49914/2006 & 24646/20



1.S.Nallakannu
2.N.Muniyandi

... Petitioners in W.P.No.24646/2007

WEB COPY

Vs.

1.Tamil Nadu Electricity Board
Rep.by its Secretary
800, Anna Salai,
Chennai 600 002.

2.The Chief Engineer (Personnel)
Tamil Nadu Electricity Board
800, Anna Salai
Chennai 600 002.

3.The Superintending Engineer
Tamil Nadu Electricity Board
Dindigul Electricity Distribution Circle
Meenatchinaickenpatty Post
Bye-Pass Road
Dindigul 624 002.

4.The Commissioner of Labour
Teynampet, Chennai-6.

5.J.Edwin Raja
Forman 1st Grade
Tamil Nadu Electricity Board
Sempatty, Dindigul Taluk
Dindigul District.
(In representative capacity of 37 persons)
(R6 to R42 impleaded vide separate sheet attached)
(R6 to R42 impleaded as per order dated 27.11.2007
in MP.No.2/2007 in W.P.No.24646/2007)

6.J.Edwin Raja
Foreman 1st GR/TNEW
O and M, Sempatty,
Nilakottai TK. Dindigul.

3/38



WEB CO

7.V.Kanagaraj
Foreman 1st GR/TNEB
O and M, East
Kalimanthayam Oddanchatiram TK.
Dindigul.

8.N.Karunanithi,
Foreman 1st GR/TNEW
O and M, East, Nilakotttai,
Dindigul.

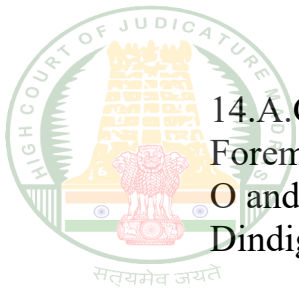
9.R.Ganesan,
Foreman 1st GR/TNEB
O and M, Gandhigramam,
Dindigul.

10.A.Alagu Chinnaiya,
Foreman 1st GR/TNEB
O and M, Town Batalagundi,
Nilakottai TK. Dindugal.

11.A.Vijayakumar,
Foreman 1st GR/TNEB
O and M, Kulathur,
(Old Rural North IV, Dindigul)
Kotturavu Nagar,
Pandiyam Nagar PO.
Dindigul.

12.Edison David Thomas,
Foreman /TNEB
O and M, Ponnagaram
Natham Road, Dindigul.

13.S.Vincent Lavis Paulson,
Foreman /TNEB
O and M, Gandhigramam,
Dindigul.



14.A.Chellamani,
Foreman /TNEB
O and M, Thamaripady Kulathur PO.
Dindigul.

15.V.Nagaraj,
Foreman /TNEB
O and M, Adivaram Palani TK.
Dindigul.

16.T.Mahendran,
Foreman 1st GR/TNEB
O and M, East
Kallimanthayam Oddanchatram Tk.
Dindigul.

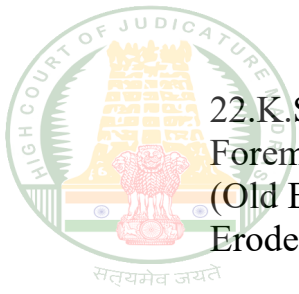
17.T.Kannan,
(Commercial Inspector)/TNEB
O and M, Sithayankottai, Nilakottai TK.
Dindigul.

18.P.Sakthivel,
Foreman 1st GR/TNEB,
Rural West, Battlagundi, Nilakottai TK,
Dindigul.

19.S.Sekar
Foreman 1st GR/TNEB,
East Chatrapathy Palani TK
Dindigul.

20.V.Suruliyandi
Foreman 1st GR/TNEB
Virupatchi, Oddachatram TK,
Dindigul.

21.D.Illangovan,
Foreman/TNEB, Sirukudi, Natham TK,
Dindigul.



22.K.Selvendran
Foreman/TNEB Poothampatty TNEB
(Old Erode II Section) Vedasandur TK,
Erode), Dindigul.

WEB CO

23.R.Ravindran
Foreman/TNEB, NGO Colony,
Dindigul.

24.K.S.Prabhakaran,
Foreman/TNEB, Edayakottai
Oddanchatram TK, Dindigul.

25.M.Rahumathulla,
TNEB Foreman/TNEB West
Kallimanthayam, Oddahchatram,
Dindigul.

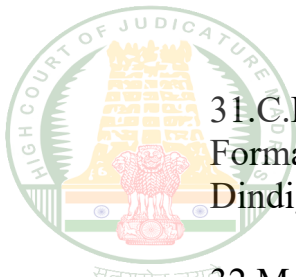
26.K.Balamurugan,
Foreman 1st GR/TNEB,
V.Kurumbapatty Natham TK.,
Dindigul.

27.C.Velusamy, Foreman 1st GR/TNEB,
North Kallimanthayam, Oddanchatram TK,
Dindigul.

28.A.Arumugam, Foreman/TNEB
Chinnakalayam Puthur, Palani TK,
Dindigul.

29.K.Jeyaseelan,
Foreman 1st GR/TNEB,
N.Panjampatty
Dindigul.

30.S.Saminathan,
Foreman 1st GR/TNEB Town Bus Standing
Section, Kullanampatty PO. Dindigul.



31.C.Durairaj
Forman/TNEB Siluvathur Section
Dindigul.

32.M.Balasubramanian,
Foreman/TNEB, Thamaraijadi
Section, Dindigul.

33.M.Durairaj
Foreman/TNEB V.Kurumpatty Section
Dindigul.

34.M.Murugesan,
Sengurichi Section, Dindigul.

35.M.Selvaraj,
Foreman/TNEB Kethayarumbu Section
Oddanchatram TK, Dindigul.

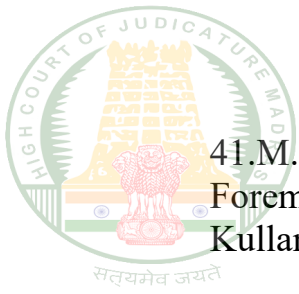
36.M.Annadurai,
Foreman/TNEB, Kannivady Section
Oddanchatram TK, Dindigul.

37.K.Balagurusamy,
Foreman/TNEB Markkampatty Section
Oddanchatram TK, Dindigul.

38.C.Lakshmanan,
Forman/TNEB, K.Keeranur Section
Oddanchatram TK, Dindigul.

39.M.Joseph Sahayaraj,
Foreman 1st GR/TNEB,
Kannivady Section, Oddanchatram TK
Dindigul.

40.M.Rajendran
Foreman 1st GR/TNEB
Angunagar O and M
Section, Collectorate PO.
Dindigul.



41.M.Chinnamani
Foreman/TNEB, Begambur Section
Kullanampatty Po. Dindigul.

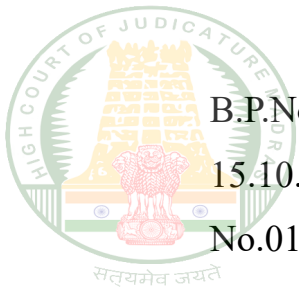
WEB COPY

42.Abdul Kulam Azad,
Foreman 1st GR/TNEB
Sirugudi O & M Section
Natham TK, Dindigul.

... Respondents in W.P.No.24646/2007

Prayer in W.P.No.49914/2006 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to promote the petitioners as CI from the earliest date on which the juniors to petitioners were promoted in LI/CI cadre as per the B.P.No.106 dated 09.04.1996 of the first respondent, the order dated 15.10.1998 in W.A.Nos.176 & 177/1992 and the order in Letter No.013586/1256/G.46/G.462/2003-1 dated 02.06.2004 of the second respondent and accordingly place the petitioners above the respondents 5 to 9 in the seniority list Ku.Aa.No. 238/Ne.Be.2/Ne.Oo.2/Mu.Pattiyal/Me.Pa.Aai/2000 dated 24.08.00/4.9.00 of LI/CI and also in the revised seniority list in Ku.Aa.No.645/ Ne.Be.2/Ne.Oo.2/Mu.Pattiyal/2000 dated 04.07.2006/10.07.06 issued by 3rd respondent and consequently to direct the respondents 1 to 3 to promote the petitioners as Foreman I Grade along with the monetary benefit for CI and Foreman I Grade as per regulation 37 note (ii) of the TNEB service regulations.

Prayer in W.P.No.24646/2007 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to promote the petitioners as LI from the earliest date on which the juniors to petitioners were promoted in LI cadre as per the



W.P.Nos.49914/2006 & 24646/20

B.P.No.106 dated 09.04.1996 of the first respondent, the order dated 15.10.1998 in W.A.Nos.176 & 177/1992 and the order in Letter No.013586/1256/G.46/G.462/2003-1 dated 02.06.2004 of the second respondent and accordingly place the petitioners above the 37 juniors whose list is enclosed with the typed set in the seniority list, Ku.Aa.No. 238/Ne.Be.2/Ne.Oo.2/Mu.Pattiyal/Me.Pa.Aeya/2000 dated 4.8.00/4.9.00 of LI/CI and also in the revised seniority list in Ku.Aa.No.645/Ne.Be.2/Ne.Oo.2/Mu.Pattiyal/2000 dated 04.07.2006/10.07.06 issued by 3rd respondent and consequently to give the petitioners promotion as Foreman I Grade along with the monetary benefits for LI and Foreman I Grade as per regulation 37 note (ii) of the TNEB service regulations.

For Petitioners in

both W.P.Nos. : Ms.G.K.Dharshini
for R.Krishnaswamy

For Respondents in

both W.P.Nos. : Mr.K.Purushothaman
Standing Counsel for R1 to R3
(W.P.Nos.49914/2006 & 24646/2007)
Mr.S.Elamurugan for R4 to R8
in (W.P.No.49914/2006)

R10, R12, R13, R22, R23, R26,
R32 to R35, R39 & R40
in (W.P.No.24646/2007)

Mr.V.V.Sathya for R27
in (W.P.No.24646/2007)

R5, R6, R8, R9, R11, R14-R17,
R24, R38 & R42 – No appearance
in (W.P.No.24646/2007)



WEB COPY

W.P.Nos.49914/2006 & 24646/20



R4-Labour Court in (W.P.No.24646/2007)

R9-No appearance in (W.P.No.49914/2006)

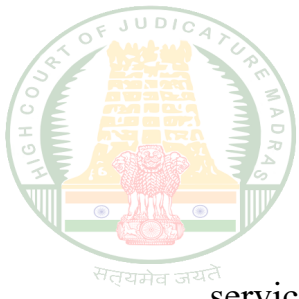
R7, R16, R18, R21, R25, R36, R37 – II
Batta due in (W.P.No.24646/2007)

R24, R28 & R41 – steps due
in (W.P.No.24646/2007)

COMMON ORDER

Heard, Ms.G.K.Dharshini, learned counsel representing Mr.R.Krishnaswamy, learned counsel appearing on behalf of the petitioner and Mr.K.Purushothaman, learned Standing Counsel appearing on behalf of the respondents 1 to 3 and perused the records.

2. Since, the issue involved in both the Writ Petitions being one and the same i.e., to promote the petitioners in both the Writ Petitions as Line Inspector from the earliest date on which the juniors were promoted as Line Inspector as per Board proceedings i.e., B.P.No.106 dated 09.04.1996, both the Writ Petitions are taken up for hearing together and are being disposed of by this common order.



WEB COPY



W.P.No.49914 of 2006:

3. The petitioners in this Writ Petition claim that they had joined the service of the first respondent as “Helper” on 24.11.1987 and 03.11.1987 respectively; that they were promoted as Commercial Assistant on 31.03.1992 and 30.06.1992 respectively; and that the private respondents 4 to 9 had joined much later to the petitioners entering into the service of the first respondent and thus they are juniors to them.

4. It is the further case of the petitioners that not only the private respondents had joined the service of the first respondent much after they joining the service, but are also juniors to them in the cadre of Wireman (WM) /Commercial Assistant (CA) cadre also; that promotion to the cadre of WM/CA is the basic criteria for fixing inter-se-seniority in the seniority list to the cadre of Line Inspector (LI) and Commercial Inspector (CI).

5. The petitioners also contend that though the first respondent in its Regular Work Establishment (RWE) of its Distribution Circles, had single channel promotion system till about 1980, pursuant to a settlement arrived with the Trade Unions, introduced double channel promotion system vide B.P.M.S.No.123, dated 01.03.1980; that the first respondent while



introducing the double channel system of promotion from the Feece

category of Helper, had segregated the channel of promotion into ‘technical’

and ‘non-technical’ cadre; that the first respondent, while segregating and

creating two separate promotion channels, had also introduced a new post

namely, Assistant Commercial Inspector (ACI) in the channel of promotion

of non-technical cadre; and that the said post created is equivalent to the post

of Lineman in the technical cadre.

6. It is the further case of the petitioners that though the entry into service of the respondents was common as “Helper”, on introduction of double channel promotion system, the employees were given option to choose their channel of promotion i.e., technical or non-technical; and once option is exercised, the same was final.

7. The petitioners contend that on account of introduction of double channel promotion, an employee joining as “Helper” would have the option to select the channel of promotion which the said employee intends to be considered either as ‘technical’ or ‘non-technical’.



8. The petitioners also contend that an employee joining as “Helper” and opting the channel of promotion in the category of technical would be promoted from the post of “Helper” to →Wireman→Lineman→Line Inspector and from Line Inspector to Foreman I Grade.

9. The petitioners also contend that an employee of the first respondent joining as “Helper” and opting the other channel of promotion namely ‘non-technical’ would be eligible for promotion from the post of “Helper” to Commercial Assistant→Assistant Commercial Inspector→Commercial Inspector and from Commercial Inspector to Foreman I Grade. It is also contended by the petitioners that the above mentioned channel of promotion was of clerical in nature.

10. It is the further case of the petitioners that they exercised the option and chose for being considered for promotion under the non-technical channel i.e., Helper–Commercial Assistant-Assistant Commercial Inspector–Commercial Inspector – Foreman.



11. The petitioners also contend that the two channels of promoti

introduced vide B.P.M.S.No.123 dated 01.03.1980 was not disturbed even

though their were subsequent settlement with Trade Unions in October, 1985

and July, 1989; and that they having joined the service in 1987 the two

channel of promotion policy/system was applied and were promoted to the

next level of promotion post of Commercial Assistant which is clerical in

nature in the year 1992, based on their seniority in the said non-technical

channel of promotion.

12. The petitioners contend that in the subsequent settlement entered

into between the first respondent and unions on 31.12.1993 and 19.01.1994,

the first respondent agreed to abolish the post of Assistant Commercial

Inspector which was introduced under B.P.M.S.No.123, dated 01.03.1980;

that pursuant to the settlement dated 29.09.1990, with effect from

01.12.1992, all the employees who were working as ACI's were upgraded to

the next higher level i.e., CI's. Likewise, the post of Lineman was abolished

subsequently and was upgraded as Line Inspector.

13. It is also the case of the petitioners that as almost all the unions

demand for restoration of single channel of promotion by replacing the

double channel of promotion introduced under B.P.M.S.No.123, the first



respondent agreed to restore the single channel promotion and according

issued B.P.No.106, dated 09.04.1996; that the first respondent while

reintroducing the single channel of promotion under B.P.No.106 made it

WEB COPY

clear that the inter-se-seniority of Wireman/Commercial Assistant cadre was

to be taken into account for fixing the seniority of LI/CI cadre; that

B.P.No.106 (Sec.Br) dated 09.04.1996 was challenged before this Court by

filing Writ Petition; that the Hon'ble High Court stayed the said proceedings

on 18.10.1996; that on this Court staying the operation of B.P.No.106

reintroducing the single channel of promotion, the first respondent issued

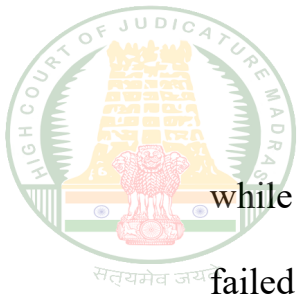
B.P.No.2 dated 19.01.1998 and sought to grant promotion under double

channel of promotion; that on the first respondent undertaking such exercise,

a challenge was made before this Court to B.P.No.2 also; that this Court had

stayed the operation of B.P.No.2 on 03.04.1998.

14. The petitioners further contend that the Division Bench of this Court, in the challenge to B.P.No.106, upheld the said Board proceedings vide its order dated 15.10.1998; that the first respondent thereafter issued B.P.No.27 dated 22.06.1999 cancelling B.P.No.2 dated 19.01.1998 and directed the implementation of B.P.No.106 i.e., single channel promotion.

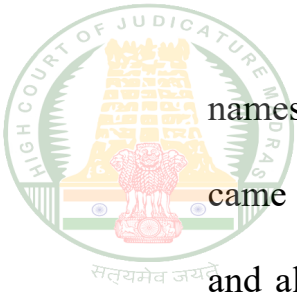


15. It is the further case of the petitioners that the third respondent

while issuing the seniority list of LI/CI cadre in August/September, 2000, failed to take into account the date of promotion to the cadre of WM/CA as the basic criteria for fixing inter-se-seniority as stipulated in B.P.No.106; that on account of the aforesaid omission/non-consideration of B.P.M.S.No.106 by the third respondent, while the names of the petitioners were not shown in the seniority list of LI/CI, the private respondents, who are juniors to the petitioners, were shown in the seniority list; and that they were also not served /furnished the said seniority list of LI/CI cadre and that the petitioners being seniors to the private respondents were excluded wrongly.

16. The petitioners also contend that the third respondent instead of showing them in the seniority list of LI/CI cadre, had shown them in the seniority list of WM/CA dated 27.09.2000 on the ground that, they were Wireman as on the date of issuance of seniority list, contrary to the para 3(ii) of B.P.No.106 and the judgment of this Court in W.A.Nos.176 & 177 of 1992 dated 15.10.1998 whereby the B.P.No.106 was upheld.

17. The petitioners also contend that though the third respondent issued a revised seniority list of LI/CI in July-2006, even in the said list their



names were not found; on the other hand, the private respondent No.5 w

came on request transfer to the third respondent Circle was found included;

and also that the private respondent No.9 who was shown as Junior in the

WEB COPY

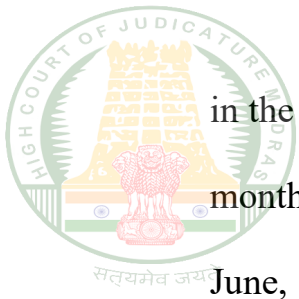
initial seniority list of WM/CA issued in September-2000 was found

included in the revised seniority list of LI/CI issued in July-2006.

18. The petitioners contend that in view of the illegality/mistake of the third respondent, the private respondents, who were Juniors to the petitioners were promoted as Foreman I Grade from the post of LI/CI, in the proceedings relating to the panel for promotion dated 25.07.2006 and posting orders issued thereafter on 28.07.2006, thereby, making the private respondents senior to the petitioners. Contending as above, the petitioners seek to be promoted as CI from the earliest day on which their Juniors were promoted as LI/CI as per the B.P.No.106, by revising the seniority list in August/September, 2000 and also revised the seniority list dated July-2006 issued by the third respondent with consequential benefits of promotion as Foreman I Grade along with monetary benefits for CI and Foreman I Grade cadre.

W.P.No.24646 of 2007:

19. The case of the petitioners in W.P.No.24646/2007 is that they joined the service of the first respondent initially as temporary causal labour



in the year 1970 and 1969 respectively and were absorbed as “Helper” in t

month of May, 1974; that the first petitioner was promoted as Wireman in

June, 1990, while the second petitioner was granted promotion to the post of

Wireman in February, 1989 respectively.

WEB COPY

20. The petitioners also contend that when they were absorbed as “Helper”; there is only a single channel promotion in the RWE whereby, an employee who is working as “Helper” could be promoted to the post of WM/CA and its equivalent category; from WM/CA and its equivalent category as Lineman (LM) and equivalent category; from LM and equivalent category to LI/CI and equivalent category, and LI/CI and from equivalent category to Foreman I Grade.

21. The petitioners further contend that consequent upon a settlement arrived with the Trade Union, the first respondent introduced double channel promotion vide B.P.M.S.No.123 and also created a new post namely, Assistant Commercial Inspector (ACI) equivalent to Lineman; and that from the date of introduction of double channel promotion till the issuance of B.P.No.106 in the year 1996, the third respondent had granted the promotion



on the basis of the option of promotion exercised by the concerned employ
in the category of “Helper”.

WEB COPY

22. The petitioners also contend that they had chosen the category of Helper → Wireman → Lineman → Line Inspector → Foreman-I Grade channel of promotion which is technical channel.

23. It is the further case of the petitioners that while they ought to be in technical channel of promotion, the private respondents who were impleaded in the present Writ Petitions in their representative capacity through R5, and joined subsequently in the first respondent service as “Helper” and being the Juniors to them, having opted to the other channel of promotion i.e., non-technical i.e., Helper-CA-ACI-CI-FM-I were shown as seniors to them in the seniority list issued by the third respondent, pursuant to upholding of B.P.No.106 by this Court in W.A.Nos.176 & 177 of 1992 and withdrawal of B.P.No.2 under B.P.No.27 dated 22.06.1999.

24. The petitioners also contended that the third respondent while issuing seniority list in August/September, 2000 much after issuance of B.P.No.106 reintroducing the single channel of promotion instead of

19/38



notionally promoting them as LI/CI had failed to include them in t

seniority list; and that the seniority list was also not furnished to them

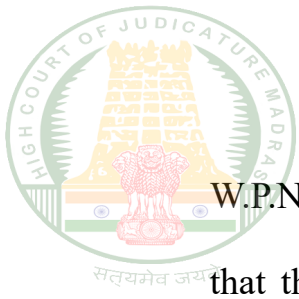
whereby their Juniors were shown as seniors to them in the seniority list of

WEB COPY

LI/CI.

25. It is also the further case of the petitioners, that like the case of the petitioners in the other Writ Petition, the third respondent also did not consider their names for inclusion in the panel list to the post of LI/CI cadre while issuing the revised seniority list in July-2006. Thus, the petitioners in the present Writ Petitions also seek for being promoted as LI from the earliest date on which their Juniors were promoted as LI as per B.P.No.106 and to place them above their Juniors in the seniority list issued in August/September, 2000, by revising the seniority list with consequential relief of granting promotion as Foreman I Grade along with monetary benefits for LI and Foreman I Grade as per Regulation 37 note (ii) of TNEB service regulations.

26. Counter affidavit on behalf of the third respondent is filed in both the Writ Petitions.



27. The third respondent by the counter affidavit filed

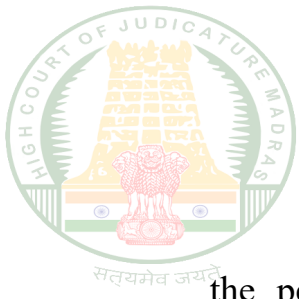
W.P.No.49914 of 2006 while denying the writ averments mainly contended

that the claim of the petitioners in the said Writ Petitions that the private respondents being Juniors to them is factually incorrect.

WEB COPY

28. The third respondent in the counter affidavit filed had given the details of date of joining of each of the private respondents in the service of the first respondent as “Helper”. The third respondent further contended that the private respondents after their initial joining in the service of the first respondent were selected to the post of Instrument Mechanic Grade I which is a specialized post and is equivalent to Lineman cadre and that the said respondents had joined in the specialized post on various dates; that their seniority was fixed as per B.P.No.106 based on the date of joining the specialized post.

29. The third respondent by the counter affidavit also contended that the post of Lineman, Assistant Commercial Inspector which are equivalent to the post of Instrument Mechanic Grade II, Winder Gr.I, Fitter Grade I and the said posts were upgraded and made equivalent to the post of Line Inspector/Commercial Inspector.



WEB COPY

30. The third respondent, while denying the writ averments made by the petitioners in the writ affidavit as to non-service of seniority list, contended that inter-se-seniority list of 379 employees as per B.P.No.106 was published in August/September, 2000 and objections were called for from the staff by giving two months time; that as no objections were received, the seniority list issued by them as per B.P.No.106 was made final and further promotions were issued in the following years i.e., 2001, 2002 and 2003 respectively.

31. By the counter affidavit it is also contended that at the time of preparing the seniority lists, the petitioners were in the post of Commercial Assistant and thus, their names were not included in the seniority list prepared for LI/CI and equivalent category; that insofar as change in seniority list to the extent of 9th respondent is concerned, it is contended that the same is re-fixed on the basis of additional educational qualification acquired and that the inter-se-seniority prepared and published in August-September, 2000 was properly served to the Board employees.



32. The respondent further contended that on the date when the respondents prepared the seniority list by taking the cut off date as 31st July, 2000, the private respondents were holding the specialized post such as Fitter I Grade, Instrument Mechanic I Grade, Winder I Grade, which were subsequently, upgraded to Line Inspector and thus, the third respondent included employees who were holding the specialized post which was subsequently upgraded for LI/CI and equivalent cadre; and that the petitioners on the said date were holding the post of WM/CA and thus, their names were not included in the seniority list of LI/CI as they were not eligible as per B.P.No.106, as on the date of preparation of inter-se-seniority list.

33. The third respondent further contended that based on the said seniority, further promotion from LI/CI to Foreman I Grade was granted and that the petitioners have been promoted as Commercial Inspector on 25.03.2002 and 24.07.2003 and thereafter to the post of Foreman in September, 2007 and June, 2008 respectively and had joined in the said post. Contending as above, the third respondent sought dismissal of the said Writ Petitions.



WEB COPY

34. Insofar as the Writ Petition in W.P.No.24646 of 2007 is concerned, the third respondent by the counter affidavit by denying the writ averments contended that while most of the posts are in the nomenclatures of Helper, Wireman, Lineman, Line Inspector and Foreman-I Grade, there are certain equivalent posts to Wireman in the RWE, such as Time Keeper, Foreman Grade-III, Fitter Grade-II etc.; that it is for the said reasons in all orders, it was specifically mentioned against each cadre like Wireman or its equivalent, Line Inspector or its equivalent.

35. By the counter affidavit it is also contended that qualification, experience, etc., are also different from post to post; that for promotion to the post of Commercial Assistant, the qualification prescribed in the first respondent Service Regulation is completion of SSLC; while such a higher qualification is not prescribed for the post of Wireman, for which even further relaxations were also granted which relaxations were not extended to the posts like Commercial Assistant, Assistant Commercial Inspector or Commercial Inspector; and that the petitioners had conveniently omitted to state in the affidavit about the prescription of different qualification for different post.



36. The third respondent by the counter affidavit further contend

that the petitioners are having the qualification of fifth and sixth standards

only, while the persons who are working in the posts of Commercial

Assistant/Assistant Commercial Inspector/Commercial Inspector and the

fifth respondent are having the prescribed qualification/experience to hold

the higher posts of Commercial Assistant or Time Keeper as such as and

when vacancies arose they were promoted.

37. The third respondent further contended that as the petitioners were

having much lesser qualification, were ineligible to be considered for those

posts and even were not entitled to opt to the channel of promotion under

non-technical cadre; and that they are entitled to be considered for

promotion only under channel of technical cadre subsequent to introduction

of two channels promotion system.

38. The third respondent by the counter affidavit further claimed that

insofar as promotion granted to the private respondent No.5 is concerned,

the said respondent was promoted as Time Keeper in March, 1993; and that

the post of Time Keeper is equivalent to the post of Wireman held by the

petitioners at the relevant time; that even as per the petitioners own aversion,



the fifth respondent was promoted as Fitter on 16.10.1995 which post

equivalent to the post of Lineman and being a higher post than that of the

post of Wireman held by the petitioners, the petitioners and the fifth

respondent were unequals holding lesser and higher post respectively.

WEB COPY

39. The third respondent by the counter affidavit also contended that the post of Lineman/Assistant Commercial Inspector or its equivalent posts were upgraded as Line Inspector/Commercial Inspector and are its equivalent posts and it is for the said reason, the fifth respondent who was working as Fitter which is equivalent to LM/ACI was upgraded as LI/CI or its equivalent in the year 1995 even before issuance of B.P.No.106, dated 09.04.1996, whereby, single channel promotion was reintroduced and thus, the petitioners cannot claim that the fifth respondent is Junior to them.

40. The third respondent by the counter affidavit also contended that on the cut off date i.e., 31st July, 2000 for fixing inter-se-seniority, for the cadre of LI/CI, the petitioners were holding the post of Wireman, while the fifth respondent was holding the post of Line Inspector which is the immediate promotional post from Wireman and thus, the petitioners cannot,



either in law or on facts rely on the case of the fifth respondent for being granted promotion.

WEB COPY

41. By the counter affidavit, it is also contended by the third respondent that the petitioners have accepted the seniority in the post of Wireman and did not call in question any of the promotion granted to the fifth respondent either to the post of Time Keeper in the year 1993 or further promotion to the post of Fitter which is equivalent to Lineman and on its upgradation as Line Inspector and kept quiet all along. Thus, the said promotions and postings attained finality.

42. The third respondent by the counter affidavit further contended that the petitioners not only did not question the promotion granted to the fifth respondent but also allowed those orders to become final and based on the said promotion granted and date of joining, the inter-se-seniority was fixed and the seniority list was published in August/September, 2000; and thus, the petitioners are estopped from disputing the impugned inter-se-seniority and consequential orders passed from time to time on the basis of B.P.No.106.



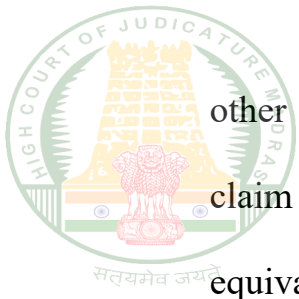
43. The third respondent by the counter affidavit also contended th

the petitioners having not raised any objections to the inter-se-seniority list published in August/September, 2000 cannot be allowed to seek revision of seniority and to grant promotion after the long lapse thereby unsettling the settled position of seniority. Contending as above, the third respondent sought for dismissal of the Writ Petitions.

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

45. At the outset, it is to be noted that the third respondent filed a counter affidavit with regard to the seniority of the private respondents in W.P.No.49914 of 2006 and also the private respondents being selected for specialized post claiming the said post to be equivalent to Lineman and the said respondents joining in the specialized post on the date mentioned therein. The petitioners did not choose to dispute the said claim made by the third respondent by filing a re-joinder.

46. Similarly, the petitioners in W.P.No.24646/2007 also did not dispute the averments made by the third respondent with regard to the petitioners' educational qualification and that of the fifth respondent and



other similarly placed respondents. The petitioners also did not dispute t

claim of the third respondent in the counter affidavit as to existence of

equivalent post in each of the cadres other than those mentioned like Time

WEB COPY

Keeper, Foreman Grade III, Instrument Mechanic Grade I, Fitter Grade II

etc., by filing any re-joinder.

47. The petitioners also did not controvert the claim of the respondents with regard to the fifth respondent being promoted to the post of Time Keeper in March, 1993 and thereafter, to the post of Fitter in October, 1995 and the said post being equivalent to the post of Wireman and the post of Lineman respectively. Further, the petitioners also did not dispute the claim of the third respondent that on abolition of the post of Lineman, the same was upgraded as Line Inspector/Commercial Inspector and thus, the fifth respondent by the time of issuance of B.P.No.106 was placed in higher position than that of the petitioners.

48. The petitioners in both Writ Petitions also did not dispute the claim of the third respondent of publication of the seniority list in August-September, 2000 and furnishing the same to the Board employees, by placing on record any cogent materials.



WEB COPY

49. Since, the petitioners in both the Writ Petitions have sought for issuance of a Writ of Mandamus, it is for the petitioners to establish existence of a enforceable legal right to the satisfaction of the Court, for this Court to exercise its extraordinary jurisdiction.

50. Further the petitioners are also required to show to the Court that there has been prior demand on the respondents by them and the respondents have refused to grant the same for them to invoke the jurisdiction of this Court apart from absence of alternative remedy.

51. Having regard to the stand and counter stand taken by the parties to the present Writ Petitions, it cannot be safely stated that the petitioners have demonstrated to this Court, existence of clear enforceable legal right for being granted relief. On the other hand, the premise on the basis on which the present Writ Petition i.e., W.P.No.49914 of 2006 is filed is that the private respondents being Juniors to them, is found to be incorrect on the basis of the date of joining of the said respondents in the first respondent board as detailed in the counter affidavit.



52. Further, the petitioner have also not denied or disputed the cla

of the private respondents being selected for a specialized post or fifth respondent being promoted to the post of Time Keeper in 1993 and thereafter being promoted to the post of Fitter and the said post being equivalent to WM and LM respectively, even prior to issuance of B.P.No.106 in April, 1996 would go to show that the petitioners in both the Writ Petitions were placed in the lower cadre than that of the private respondents, on the date when the inter-se-seniority was fixed on the basis of B.P.No.106.

53. Further, the claim made by the petitioners on the basis of clause (3) (ii) of B.P.No.106 is also wholly misplaced, as the first respondent by issuing the said Board proceedings had abolished the post of Assistant Commercial Inspector as introduced under B.P.M.S.No.123 and clubbed the post of Commercial Assistant with Wireman and Commercial Inspector with Line Inspector. Further, the respondent in order to merge the two channel promotion into the one channel promotion upon issuance of B.P.No.106, sought to fix their inter-se-seniority on the basis of seniority in the category of Wireman. The staff members who had opted for non-technical channel of promotion and granted promotion in the category of Commercial Assistant and further promoted as Commercial Inspector, thus were required to be

31/38



placed in the seniority by considering them as eligible for promotion

Wireman. Such an exercise can be undertaken only on the basis of their

joining in the service of the first respondent as “Helper” and becoming

eligible to be promoted to the post of Wireman based on the seniority at the

time of their initial joining.

54. The aforesaid position would be clear if one reads the sub-clause (ii) wherein the emphasis is laid by usage of the words ***“may be fixed on the basis of their seniority in the category of Wireman”***. (Emphasis and underlining supplied by Court)

55. Since, the employees like petitioner in W.P.No.49914 of 2006 having opted for non-technical channel of promotion after joining the service of respondent, when the two channel promotion was in vogue, would never be in the category of Wireman and it is only by taking into consideration their date of initial joining as “Helper” and acquiring the eligibility for the promotion to the post of Wireman, their seniority in the cadre can be fixed.



56. Thus, the claim of the petitioners of being senior to the private

respondents or on the basis of having secured the promotion to the cadre of

Commercial Assistant earlier than the staff who are seniors to the petitioners

WEB COPY

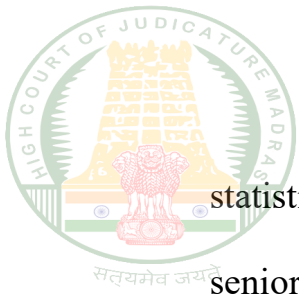
and opted to remain in the technical channel of promotion as Wireman is

devoid of merits.

57. Further, the third respondent having contended that the seniority list was published in August/September, 2000 wherein, the petitioners admitted the fact that their names were not found, did not choose to raise their little finger against the said seniority list. The regulation of the respondents on the other hand provides for filing a revision within two months from the publication of the seniority list. The petitioners having maintained static silence against the said seniority list published by the third respondent, cannot now after a lapse of six years after issuance of the seniority list, and without availing the remedy of revision provided under the first respondent Rules, seek for issuance of a Mandamus to place them in seniority over the private respondents/fifth respondent or others, thereby unsettling the settled seniority list. It is settled position of law that seniority list once finalized are not be disturbed normally as it would have cascading effect. *[See V.Vincent Velankanni Vs. Union of India, reported in 2024*

SCC Online 2642].

33/38



58. It is also important to note that in the meantime, i.e., duri

statistic silence of the petitioners, the official respondents acting on the said

seniority had granted promotion on the basis of the said seniority list to

various staff members to the next cadre i.e., LI/CI and thereafter, Foreman I

Grade.

WEB COPY

59. It is only when the petitioners found themselves excluded or not being considered for promotion to the Foreman I Grade after publication of the seniority list and also the revised seniority list on 04.07.2006/10.07.2006, have approached this Court by the present Writ Petitions.

60. Thus, the said action on the part of the petitioners in both the Writ Petitions is to be considered as an afterthought and not a genuine grievance for this Court to issue a Writ of Mandamus.

61. Though on behalf of the petitioners it is to be contended that the cause of action arose in July, 2006, when the respondents issued revised seniority list, it is not the case of the petitioners that their names were found included in the seniority list issued in the months of August/September, 2000



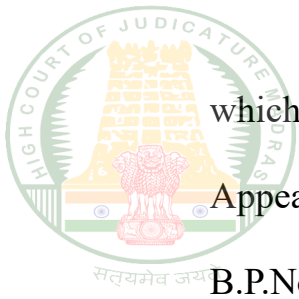
and were omitted in the revised seniority list for them to feel aggrieved not
for approaching this Court.

WEB COPY

62. On the other hand, the petitioners admit to the fact that their names did not find place in the seniority list published in August/September, 2000 and thus, the grievance if any, had arisen in August/September, 2000 and not when the respondents published the revised seniority list in July, 2006.

63. The petitioners having accepted the seniority list published by the third respondent in August/September, 2000 and having failed to file any objection, seeking revision thereof cannot be allowed to raise the plea of cause of action having arisen for the first time in July, 2006.

64. Insofar as the reliance placed by the learned counsel for the petitioners on the decision of this Court in WP.No.16603 of 2011 dated 22.03.2018 is concerned, firstly, the said decision is relating to the seniority list dated 06.02.2010 which is much subsequent to the period involved in the present Writ Petitions. Further, this Court having held that the right of the petitioners in the said Writ Petitions flow from B.P.No.106 dated 09.04.1996



which is restored by subsequent developments i.e., (dismissal of the W

Appeals in W.A.Nos.176 & 177 of 1992 dated 15.10.1998 and issuance of

B.P.No.27 dated 22.06.1999), the challenge to the seniority list which was

WEB COPY

prepared on the basis of two channel system in the year 2010 was rejected.

However, in the facts of the present case(s) as detailed herein above, the

seniority list published by the third respondent in August/September, 2000,

was prepared on the basis of single channel promotion which is in

accordance with B.P.No.106 and thus, the said decision would not advance

to the case of the petitioners.

65. Thus, considered from any angle, the present Writ Petitions as filed by the petitioners are, in the considered view of this Court are merely chance litigation and apart from being devoid of merits and deserve to be dismissed.

66. Accordingly, both the Writ Petitions are dismissed. No costs.

12.06.2026

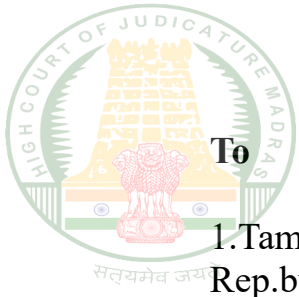
Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dna

36/38



To

1. Tamil Nadu Electricity Board

Rep. by its Secretary

800, Anna Salai,

Chennai 600 002.

2. The Chief Engineer (Personnel)

Tamil Nadu Electricity Board

800, Anna Salai

Chennai 600 002.

3. The Superintending Engineer

Tamil Nadu Electricity Board

Dindigul Electricity Distribution Circle

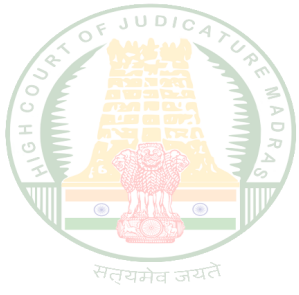
Meenatchinaickenpatty Post

Bye-Pass Road

Dindigul 624 002.

4. The Commissioner of Labour

Teynampet, Chennai-6.



WEB COPY

W.P.Nos.49914/2006 & 24646/20

T. VINOD KUMAR,



dna

Pre-Delivery Order in
W.P.Nos.49914/2006 & 24646/2007

12.06.2026

38/38