

# Tamil Nadu Electricity Board Engineers' Association

(Recognized in G.O. No.854 dated 06-04-1946)

Regn. No.217/94

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Chennai-2,  
09.08.2023.

To

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

**Lr. No. TNEBEA/GS/D.72/2023**  
**dt.09.08.2023**

Respected Sir,

Sub: Request to defer further promotion to the diploma holders from Junior Engineers Grade. II (Electrical) to Junior Engineers Grade. I (Electrical) tilting the imbalance still worse - Reg.

Vanakkam.

It appears that the diploma holders are urging for further promotion from Junior Engineers Grade. II (Electrical) to Junior Engineers Grade. I (Electrical). There are around 6585 sanctioned posts in TANGEDCO where Assistant Engineers (Electrical) with B.E., degree or Junior Engineer Grade. I (Electrical) with D.E.E.E / SSLC qualification may be posted. The overall strength of Junior Engineers Grade. I must be limited to 25% of the sanctioned posts i.e., 1646 only.

2. During July 2020, 963 candidates were promoted from Junior Engineers Grade-II (Electrical) to Junior Engineers Grade-I (Electrical) vide CE/P's Memo No.047806/551/G.13/G.131/2020, dated 31.07.2020. During Feb' 2021, another batch of 249 candidates were promoted from Junior Engineers Grade-II (Electrical) to Junior Engineers Grade-I (Electrical) vide CE/P's Memo No.010649/315/G.13/G.131/2021, dated 20.02.2021. During Jan 2023, another batch of 580 candidates were



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*(Electrical) to Junior Engineers Grade-I (Electrical) vide CE/P's Memo. No.005493 /G.13/G.131/2023. dated 13.01.2023. Altogether, 1792 (963+249+580) candidates have been promoted to Junior Engineers Grade. I, while **NOT EVEN A SINGLE ASSISTANT ENGINEER IS APPOINTED** by direct recruitment for the past 4 years.*

3. Promotion of 1792 candidates in three batches has been considered in addition to around 1000 Junior Engineers Grade. I available in the service. The overall strength of Junior Engineers Grade. I (Electrical) is at around 2792 as on date, while their eligible share is 1646. **The Junior Engineers Grade. I are in excess by 1146. This amounts to violating the ratio 3:1 to be adopted between Assistant Engineers and Junior Engineers Grade. I.**

4. While so, it is highly irrational and illegal to consider further promotion from the Junior Engineers Grade. II (Electrical) to Junior Engineers Grade. I (Electrical). The Association is constrained to caution that it would be suicidal to consider excessive promotion of diploma / non-diploma holders elevating them to the post of Junior Engineers Grade. I. It is a fact which warrants serious consideration that some of the recently promoted candidates are not adequately conversant to open the computer, read and reply to e-mails. Senior officers are struggling to extract work from such candidates, who were considered for promotion without regard to their ability and proficiency. It is really disheartening to observe that less qualified candidates are preferred exceeding their eligible share, robbing the opportunities of the best and brilliant graduate engineers, who are waiting for their turn to get appointed in TANGEDCO.

5. All engineering departments in the Government of Tamil Nadu like PWD, Highways, Rural Development etc. are adopting the ratio 3:1 among Assistant Engineers and Junior Engineers both for promotion to the post of Assistant Executive Engineers and for recruitment to fill up the vacancies in the post of Assistant Engineers and Junior Engineers. TNEB too has been following the ratio 3:1 among Assistant Engineers and Junior Engineers Grade. I both for promotion to the post of AEEs and for recruitment to fill up the post of AEs and JEs Grade. I since formation of TNEB on 01.07.1957.



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6. Of course, there was an abnormal delay of around 10 years to formulate and publish TNEB Service Regulations as per powers delegated under 79 (c) & 79 (k) of the Electricity (Supply) Act, 1948. The ratio 3:1 adopted by the Government Electricity Department, a wing of PWD under the GOTN and continued to be adopted in the newly constituted TNEB must have been incorporated in the TNEB Service Regulations on par with PWD Service Rules, when it is published on 10.06.1967. It is a matter of great unfortune that this most important aspect was missing in the newly published TNEB Service Regulations. Taking advantage of this omission, the diploma holders commenced to file litigations before Hon'ble High Court, harassing the graduate engineers.

7. Initially, the diploma holders filed W.P.No.4605 of 1968 before the Hon'ble High Court of Madras seeking equal opportunity of promotion among the graduate engineers and diploma holders. The learned Single Judge, by order dated 05.12.1968, dismissed the Writ Petition. The diploma holders went on appeal before the Hon'ble Division Bench vide W.A.No.90 of 1969 and it was also dismissed. The diploma holders preferred to file an appeal before Hon'ble Supreme Court vide W.P. Nos.1630-33 of 1982 & C.A.No.559 of 1991. The Hon'ble Supreme Court comprising Hon'ble Mr. Justice Kuldip Singh and Hon'ble Mr. Justice B.L. Hansaria, by order dated 13.09.1994, dismissed their appeal and upheld the ratio 3:1 for promotion observing as below:

***"The aforesaid shows that the classification is based on higher educational qualification and the same to receive our approval because for certain types of work the supervisors are not sufficiently qualified, whereas Junior Engineers are."***

Ultimately, orders of Hon'ble Supreme Court dated 13.09.1994 put an end to series of litigations on promotion after a long legal struggle for over 26 years.

8. The diploma holders initiated a second round of litigations challenging the ratio 3:1 for recruitment to fill up the post of AEs and JEs Grade. I. They filed W.P.No.4748 of 1990 for adopting the ratio 2:2 between AEs and JEs Grade. I and then W.P.No.5238 of 1995 for adopting the ratio 2:3 between AEs and JEs Grade. I for distribution sections and 2:2:1 among AEs, JEs Grade. I & JEs Grade. II for other than distribution. The Association filed W.P. No.



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2330 of 1994 challenging the ratio 2:3. During 1997, a forum of unemployed engineers filed W.P. No. 1307 of 1997 challenging the ratios 2:1:2, 2:2:1 & 2:3 introduced through workload settlements. After hearing all sides, the learned Single Judge dismissed W.P. Nos. 4748 of 1990, 2330 of 1994 and 5238 of 1995 and passed orders in W.P. No. 1307 of 1997. The learned Single Judge, by order dated 05.06.2000, quashed the ratios 2:1:2, 2:2:1 & 2:3 declaring them as null and void and directed the Board to adopt the old ratio 3:1 in the matter of appointment.

9. The diploma holders went on appeal before the Hon'ble Division Bench vide W.A. Nos. 1174, 1175 and 1176 of 2000. The Board too filed a Writ Appeal vide W.A. No.2044 of 2000. These Writ Appeals were pending adjudication for about 15 years on the file of this Hon'ble Court. Hon'ble First Bench, vide judgement dated 26.02.2015, has ordered as below:

"It is also brought to our knowledge, that as early as on 21.11.2009, there was a proposal to review the existing ratio for promotion/ appointment to various categories. Therefore, without setting aside the settlement entered into vogue, this Court directs the first and second respondents, to refix the ratio taking into consideration of all the existing contingencies involved and also by giving opportunity to both the diploma and engineers association. The ratio must be fixed in such a way to give equal scope to direct recruitment and internal selection at the entry level posts. The decision so arrived shall be implemented prospectively by amending the service regulations. The respondents 1 and 2 are directed to implement the directions within six months from today."

10. It is unfortunate that TANGEDCO did not mind constituting any committee and hear the views of all concerned to trace any concrete solution to this vexed issue as directed by the Hon'ble First Bench in its order dated 26.02.2015. It is still sleeping over the judgement.

11. The forum of unemployed engineers filed appeal vide SLP (C) No. 27119 of 2015 before Hon'ble Supreme Court. The Association too preferred an appeal vide SLP (C) No. 25540 of 2015. TNEB Engineers Union also filed another appeal vide SLP (C)



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No. 23587 of 2016. All appeals are pending adjudication before the Hon'ble Supreme Court.

12. The Association is willing to present our case before any committee, provided TANGEDCO is ready to constitute such committed as ordered in the judgement of the Hon'ble First Bench.

13. The Association desires to point out that these ratios 2:2:1 and 2:3 introduced through workload settlements have limited applicability to distribution areas only and they cannot be enlarged to other areas of TNEB. While so, it is illegal to estimate the eligible share due to the diploma holders based on the strength of these ratios 2:2:1 and 2:3. Above all, it is sad to note that promotion to the diploma holders without any regard to any ratio.

14. The Association, therefore, requests that the respected CMD may be pleased to defer further promotion from the Junior Engineers Grade. II (Electrical) to Junior Engineers Grade. I (Electrical) tilting the imbalance still worse.

Thanking you,  
With warm regards.

Yours sincerely,

(V.Shanmuga)

General Secretary

Copy to D(D), D(G) & D(P)/TANGEDCO  
Copy to MD, D(TP) & D(O)/TANTRANSCO  
Copy to the Secretary/TANGEDCO  
Copy to CE/Personnel.