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W.P.No.31046 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	<i>15/10/2025</i>
<i>Pronounced on</i>	<i>27/11/2025</i>

C O R A M

THE HONOURABLE Mr.JUSTICE K. SURENDER

Writ Petition No.31046 of 2017

and

W.M.P.Nos.34030 of 2017 and 19768 of 2021

Raju Pandey

...

Petitioner

Vs

1. Union of India

rep. By the Secretary to Government of India

Department of Atomic Energy

Anushakti Bhavan

Chatrapathi Shivaji Maharaj Marg

Mumbai 400 001.

2. Bharatiya Babhikiya Vidyut Nigam Ltd

rep. By the Chairman and Managing Director



W.P.No.31046 of 2017

Kalpakkam

Kancheepuram District 603 102.

3. The Head (HR)

Bharatiya Nabhikiya Vidyut Nigam Ltd

Kalpakkam

Kancheepuram District 603 102.

4. Nuclear Power Corporation of India Ltd

rep. By the Chairman & Managing Director

Nambhikiya Urja Bhavan

Anushaktinagar

Mumbai 400 094.

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records in Office Order No.6/2017/HR/RECTT dated 3/1/2017 passed by the second respondent and quashing the same and direct the second respondent to treat the petitioner as promoted to the post of Manager (OL) with effect from 1/7/2011 with all consequential service benefits like arrears of salary, seniority further promotion, etc.



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W.P.No.31046 of 2017

For petitioner	...	MrM.Radhakrishnan
For respondents	...	No appearance for R.1
		Mr.S.Sendhilnadhan for R.R.2 to 4

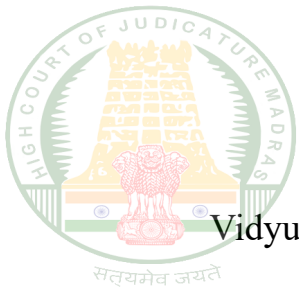
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ORDER

This writ petition has been filed to quash the Office order dated 3/1/2017 passed by the second respondent in Order No.6/2017/HR/RECTT and direct the second respondent to treat the petitioner as promoted to the post of Manager (OL) with effect from 1/7/2011 with all consequential service benefits.

2. The brief facts which are necessary for the disposal of the writ petition are as follows:-

The petitioner joined the second respondent/Bharatiya Nabhikiya

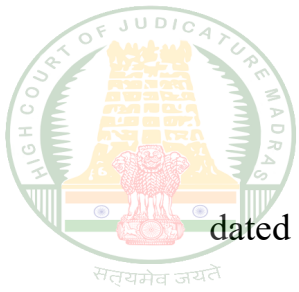


W.P.No.31046 of 2017

Vidyut Nigam Ltd., (herein after referred to as BHAVINI) as Hindi Officer

(Group B) in the scale of pay of Rs.7500 – 12000, on 5/3/2007 through open competition. Later, he was promoted to the Grade of Manager (Strategic Affairs & Official Language) in the band viz., 15600 – 39100 (PB -3) with Grade Pay of Rs.6600 with effect from 1/7/2011, vide, order dated 12/7/2013. On 27/2/2015, the petitioner was asked to hold the responsibility of a Manager (Strategic Affairs & Official Language).

3. By communication dated 15/10/2016, it was informed to the petitioner that Nominations and Remunerations Committee (NRC), Sub-Committee of BHAVINI Board had deliberated on the promotion to the petitioner from Hindi Officer to Manager (OL) with effect from 1/7/2011, however, recommended to consider the promotion with effect from 1/7/2014 instead of 1/7/2011. According to the petitioner, the proceeding of the Nominations & Remunerations Committee mentioned in the communication



W.P.No.31046 of 2017

dated 15/10/2016 was not made available to the petitioner for making an

effective representation. However, a detailed representation dated

25/10/2016 was made by the petitioner regarding the proposal to change the

date of promotion of the petitioner from 1/7/2014 to 1/7/2011.

4. The Deputy Manager of BHAVINI/second respondent issued the impugned order dated 3/1/2017 informing that the Board has recommended the petitioner for consideration for promotion from Hindi Officer to Manager with effect from 1/7/2014 in accordance with NPCIL promotion norms. Further, the amount that was paid in view of the promotion in 2011 was sought to be recovered in twenty four equal instalments, without interest.

5. Heard Mr.M.Radhakrishnan, learned counsel for the petitioner and Mr.S.Sendhil Nadhan, learned counsel for the respondents 2 to 4. There is



W.P.No.31046 of 2017

no representation on behalf of the first respondent.

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6. The learned counsel appearing for the petitioner would submit that communication dated 15/10/2016, proposing to change the promotion date of the petitioner was not enclosed with NRC recommendation, as such, the petitioner could not give any effective representation. Further, in the absence of any direction by the first respondent/Union of India, second respondent erred in confirming the petitioner's promotion from 1/7/2014. The said act of the second respondent was violative of the principles of natural justice, unfair, unreasonable and violative of Articles 14 and 16 of the Constitution of India.

7. The learned counsel appearing for the respondents 2 to 4 would submit that only on the strict compliance with the approval of Board, revised Office Order was issued with regard to his promotion as Manager (Official Language) with effect from 1/7/2014. Further, the third minutes of NRC of



W.P.No.31046 of 2017

the meeting and 63rd Board minutes which were mentioned in the

communication dated 15/10/2016 was provided to the petitioner on 30th

January 2018.

8. Perused the materials available on record.

9. The petitioner filed the present writ petition on 28th November 2017. According to the counter filed by the respondent No.3 and also as stated by the learned counsel for the respondents, the minutes of third NRC meeting and 63rd Board minutes were provided on 30/1/2018. In the said circumstances, this Court directs the petitioner to make a representation to the respondents about his grievance regarding the fixation of the date of promotion as 1/7/2011 and on making such representation, second and third respondents shall dispose of the said representation, within a period of eight weeks, from the date of the said representation, after affording an



W.P.No.31046 of 2017

opportunity of hearing to the petitioner. Till such time, the petitioner makes

a representation, order of promotion shall be kept in abeyance.

10. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

(K.SURENDER,J)
27/11/2025

mvs.

Index: Yes/No

Neutral Citation: Yes/No

1. The Secretary to Government of India

Union of India

Department of Atomic Energy

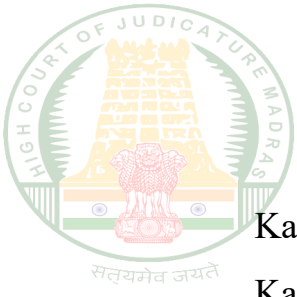
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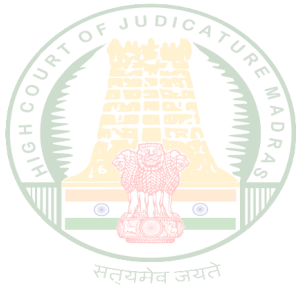
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W.P.No.31046 of 2017

Pre-delivery order made in
W.P.No.31046 of 2017

27/11/2025