

**TANGEDCO  
(ABSTRACT)**

Establishment - Promotion and Posting to higher post - Eligibility Orders - Issued.

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(Administrative Branch)

(Per.) B.P. CMD Proceeding No.59

Dated 24<sup>th</sup> May, 2013,  
Vaikasi 10, Vijaya Aandu,  
Thiruvalluvar Aandu 2044.

Read:

- Ref : 1) G.O. (Ms) No. 107, dt. 18.08.2009.  
2) G.O (Ms) No. 116, dt. 18.08.2010.  
3) (Per) FB TANGEDCO Proceedings No. 5, dt. 8.4.2011.
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**Proceedings:-**

The issue relating to employees having Open University Degree without acquiring 10+2 for the purpose of appointment to entry level posts and promotion, and the other issue of accepting Open University Degree in B.Com or M.Com as the case may be, as prescribed in the relevant service regulation for the limited purpose of exemption from passing departmental exam of accountancy, have been examined in detail based on the judgement delivered by Honourable Justice Thiru V. Ramasubramanian, on 7.6.2012 in Writ Petition No. 7276 and 7278 of 2012 (copy of enclosed).

2. Non-technical posts in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) can broadly be classified into two categories viz.,

(1) Posts requiring basic degree as qualification;

(2) Posts requiring minimum general educational qualification as the required qualification which does not require degree as a qualification.

In respect of those non-technical posts, where minimum general educational qualification is prescribed, the individual should have passed 10<sup>th</sup> standard or old S.S.L.C.

3. Apart from the above said qualifications, there are certain other departmental tests like Accountancy Higher Grade/Accountancy Lower Grade have been prescribed in the Service Regulations. In that case, necessary exemption from passing the above said tests have been given to those who have passed either B.Com./ M.Com. degree from a recognized university as prescribed. Some employees have acquired the said B.Com or M.Com., degree through Open University system i.e. without passing under 10+2+3 system. Regarding question of considering the above said degrees obtained through Open University System, as equivalent to the said departmental tests, the Hon'ble High Court has considered the whole issue in para 19 of the said judgement referred to in para 1 above that "No where the Supreme Court or the Government Orders stated that those Degrees cannot even be recognized for the limited purpose of granting exemption

from passing the Departmental Tests." The Hon'ble High Court has also held in para 30 of the said judgement as follows:-

"(i) so long as the regulations recognise Open University Degrees only for the limited purpose of granting exemption from appearing in departmental tests; and (ii) so long as the Open University Degrees/Post Graduate Degrees are not considered as equivalent to Degrees and Post Graduate Degrees obtained under regular stream, but are admitted only for the purpose of granting a Limited exemption from passing a departmental test, the respondents are not justified in reverting the petitioners. Therefore, the petitioners are entitled to succeed."

4. In view of the above, as far as passing of departmental exams like accountancy lower or higher grade as the case may be, the following is the correct position.

(a) Typists/Steno-typists are exempted from passing accountancy tests as per the relevant service regulations, hence they are eligible to be considered for promotion even if they have not passed accountancy tests prescribed.

(b) In respect of Accounts Branch and Audit Branch, many individuals have passed B.Com or M.Com through Open University System. The Hon'ble High Court has already ruled in said judgment referred to in para 1 that for the limited purpose of exemption from passing departmental exam, Open University degrees can be considered. Therefore, for the purpose of promotion in Accounts Branch and Audit Branch, the relevant service regulation on the date of crucial date prescribing passing of B.Com or M.Com or both as the case may be, either through formal system or through Open University should be applied only for the limited purpose of exemption from passing departmental exam only. This should not be confused with the posts for which basic degree is prescribed as minimum qualification at entry level or for promotion.

The above guidelines may be followed in preparing the promotion panel to the non-technical posts following the correct legal position as set out by the Hon'ble High Court adhering to relevant service Regulation in force on the Crucial Date.

(BY ORDER OF THE CHAIRMAN-CUM-MANAGING DIRECTOR)

A. RAJA

CHIEF ENGINEER/ PERSONNEL

To  
All Superintending Engineers  
All Chief Engineers  
The Secretary/TANGEDCO.  
The Chief Internal Audit Officer/ Audit Branch.  
The Chief Engineer/ Personnel/ TANGEDCO.  
The Director/ (Finance)/ TANGEDCO.  
The Director/ (Finance)/ TANTRANSCO.  
The Director/ (Distribution)/ TANGEDCO.  
The Director/ (Generation)/ TANGEDCO.

The Director/ (Project)/ TANGEDCO.  
The Director/ (Operation)/ TANGEDCO.  
The Legal Advisor/ TANGEDCO.  
The Superintending Engineer/Chairman-cum-Managing Director's Office  
The Director (Transmission Project)/ TANTRANSCO  
The Managing Director/TANTRANSCO.  
The Assistant Personnel Officer/Tamil Development Section (Gazette)

:: FORWARDED ::

Sd./- XXX

V. ASWATHAMAN

ASSISTANT PERSONNEL OFFICER/ PANEL (N.T.)