



W.P.(MD).No.13467 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.13467 of 2019
and
W.M.P.(MD).No.10009 of 2019**

P.Velaiah

... Petitioner

Vs.

1.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO, Tirunelveli.

2.The Junior Engineer,
Kadayam Sub-Station,
Tirunelveli Electricity Distribution Circle,
TANGEDCO, Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in Ku.Aa.No.011836/367/Ni.Pi.4/U.1/Ko/Disciplinary Proceedings/2019, dated 28.05.2019 and quash the same and consequently direct the respondents to disburse all the retirement benefits to the petitioner within the time fixed by this Court.



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For Petitioner : Mr.H.Arumugam

For Respondents : Mr.S.Arivalagan,
Standing Counsel.

ORDER

This Writ Petition is filed challenging the impugned order dated 28.05.2019.

2. The petitioner was earlier engaged as Contract Labour and subsequently based on the Justice Khalid Commission the petitioner was absorbed in the regular service as Helper on 20.11.1995. Subsequently, it was held by the respondents that the petitioner has submitted bogus educational certificate and the petitioner was terminated from service. The said issue was subsequently settled by issuing (Per.).B.P.(F.B).No.27 Administrative Branch dated 07.11.2002.

3. The respondents have revoked the punishment order of dismissal from service and imposed the punishment of reduction in time scale of pay for a period of three years, which will operate for future increments as well. Rightly, the respondents have also imposed the same punishment in the case of



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petitioner itself. However, while calculating the amount, the respondents have committed a mistake by multiplying the amount twice. Either the respondents ought to have multiplied with 36 months or 3 times, but the respondents have multiplied with 36 months as well as multiplied with 3 times, hence the respondents have deducted two times. The respondents have multiplied as follows:

$$18700 \times 36 \text{ months} \times 3 = 20,19,600/-$$

In other words, the respondents ought to have calculated Rs.18700 x 36 months. Instead of doing so, the respondents have calculated the amount multiplied by 36 months again multiplied by 3.

4. It is submitted by the petitioner's counsel that the impugned order of punishment was passed on 28.05.2019 and the petitioner had attained superannuation on 31.05.2019. Hence, the respondents cannot deduct future increment, since it has become an un-implementable order. Therefore, this Court is of the considered opinion that the respondents cannot implement the punishment in entirety. Therefore, this Court is of the considered opinion that the respondents shall retain Rs.73,200/- and shall pay the balance amount to the petitioner.



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5. The learned counsel appearing for the petitioner further submitted that the respondents have not disbursed the terminal benefits because of the pendency of this Writ Petition. Therefore, this Court is directing the respondents to disburse the terminal benefits to the petitioner. The entire exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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To

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S.SRIMATHY, J.

Nsr

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