

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.03.2015

Coram

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.34242 of 2014

M.Karunakaran

.. Petitioner

vs.

1.The Superintending Engineer/TANGEDCO,
Nilgiris Electricity Distribution Circle,
Ooty, The Nilgiris-643 001

2.The Superintending Engineer/TANGEDCO,
Coimbatore Electricity Distribution Circle/Metro,
Tatabad, Coimbatore-641 012

3.The Chief Engineer/Distribution,
TANGEDCO, Coimbatore Region,
Tatabad, Coimbatore-641 012

4.The Chief Engineer/Personnel
TNEB/8th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai-600 002

5.The Secretary,
TNEB, Board Office, NPKRR Maaligai,
144, Annasalai, Chennai-600 002

6.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai, Chennai-600 002

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondents to pay the petitioner his eligible and legitimate gratuity with interest of 18% by considering his representation dated 20.12.2013.

For Petitioner : Mr.G.B.Saravanabhavan
For Respondents: Mrs.R.Varalakshmi

ORDER

The petitioner was initially appointed as Junior Assistant in Tamil Nadu Electricity Board (TNEB). The petitioner, on attaining the age of superannuation, retired on 30.06.2009. The fifth respondent passed an order, dated 27.6.2009, permitting the petitioner to retire on 30.06.2009, without prejudice to the pending disciplinary proceedings initiated against him, vide memo dated 12.12.2009. The petitioner was paid proportionate pension and other benefits. However he was not given gratuity and related benefits. The petitioner submitted a representation on 20.12.2013. However, there was no follow up action taken up by the respondents, resulting in filing this writ petition.

2. The factual matrix indicates that the petitioner was permitted to retire, vide order dated 27.6.2009, without prejudice to the pending disciplinary proceedings. There is nothing on record to show that the respondents had taken any action to dispose of the disciplinary proceedings as indicated in the order dated 27.06.2009. The respondents cannot be heard to say that they would keep the disciplinary proceedings pending for years together and would not pay the statutory benefits to the employee like the petitioner. Therefore, I am of the view that the matter requires consideration by the respondents.

3. The fifth respondent is directed to consider and dispose of the representation of the petitioner, dated 6.12.2011, on merits and as per law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

msk

To

- 1.The Superintending Engineer/TANGEDCO,
Nilgiris Electricity Distribution Circle,
Ooty, The Nilgiris-643 001
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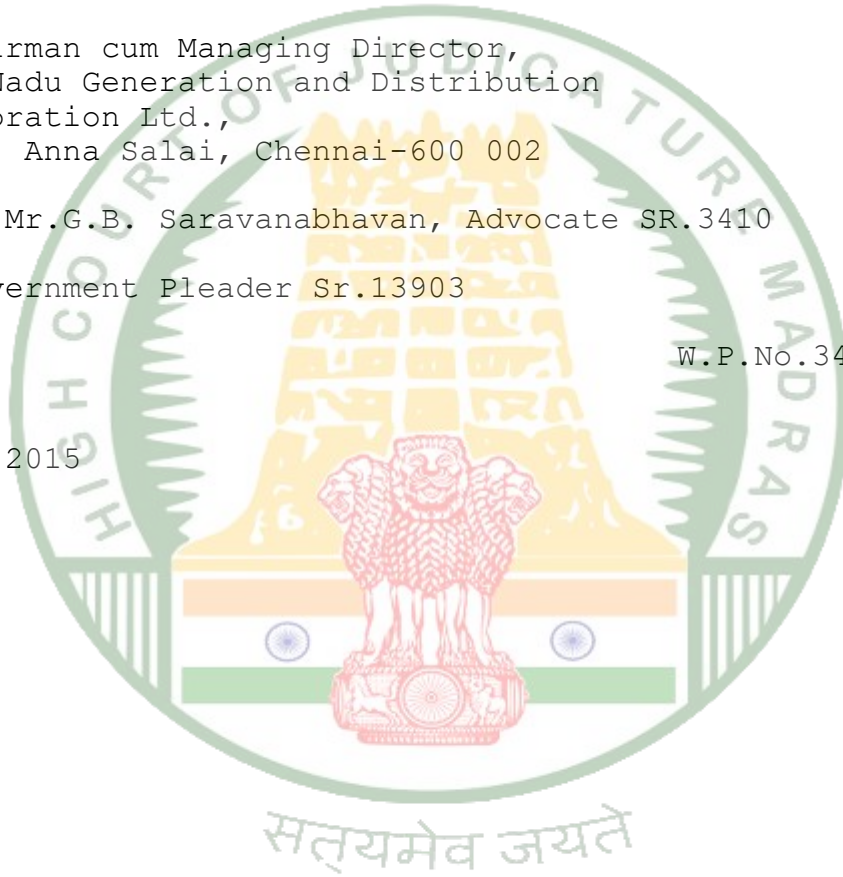
6.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
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No.144, Anna Salai, Chennai-600 002

+ 1 cc to Mr.G.B. Saravanabhavan, Advocate SR.3410

+ 1 cc Government Pleader Sr.13903

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SCD(CO)
EU 21.03.2015



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