

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34155 of 2015

P.Pichaipillai

... Petitioner

-Vs-

- 1.The Superintending Engineer,
Perambalur Electricity Distribution Circle,
TANGEDCO,
Perambalur - 621 220.
 - 2.The Executive Engineer,
O & M TANGEDCO
Perambalur Division,
Perambalur- 621 220.
 - 3.The Assistant Executive Engineer,
O & M TANGEDCO
Town/Perambalur Sub-Division.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representations dated 21.01.2015 and 07.09.2015 and pass orders on the said representations within the period as this Hon'ble Court directs.

For Petitioner : Ms.N.Valliamma
For Respondents : Mrs.R.Varalakshmi

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, while working as Line Inspector under the control of the 3rd respondent, was slapped with the disciplinary proceedings in the form of charge memo dated 05.12.2011 and as a consequence, he was suspended from service

and prior to the order of suspension, the name of the petitioner was found place in the list of promotion for the post of Foremen Grade-I. The Enquiry Officer has given a finding that the charges framed against the petitioner have not been proved. However, the disciplinary authority has not accepted the said findings and imposed the punishment of postponement of increment for the period of six months vide order dated 26.11.2012. He was not relieved from the post for the reason that the disciplinary proceedings are pending. The petitioner also preferred a Departmental Appeal and during the pendency of the appeal, the period of punishment itself has come to an end on 25.05.2013 and as a consequence, the petitioner made a representation to the 1st respondent to consider his promotion to the post of Foremen Grade-I and it was belatedly considered. The petitioner has joined the promotion post on 14.08.2014. The Departmental Appeal filed by the petitioner was ended in his favour and therefore, the petitioner is entitled to get promotion retrospectively with effect from 12.01.2012 on the date on which, his junior was promoted to the said post. The petitioner, in this regard, has also submitted a representation dated 21.01.2015 followed by a reminder dated 07.09.2015 and since no orders have been passed, he came forward with this writ petition.

3. Heard the submissions of Mrs.R.Varalakshmi, learned Standing Counsel, who accepts notice on behalf of the respondents.

4. Though the petitioner prayed for the larger relief, this Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 21.01.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR (CS-VII)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vsm

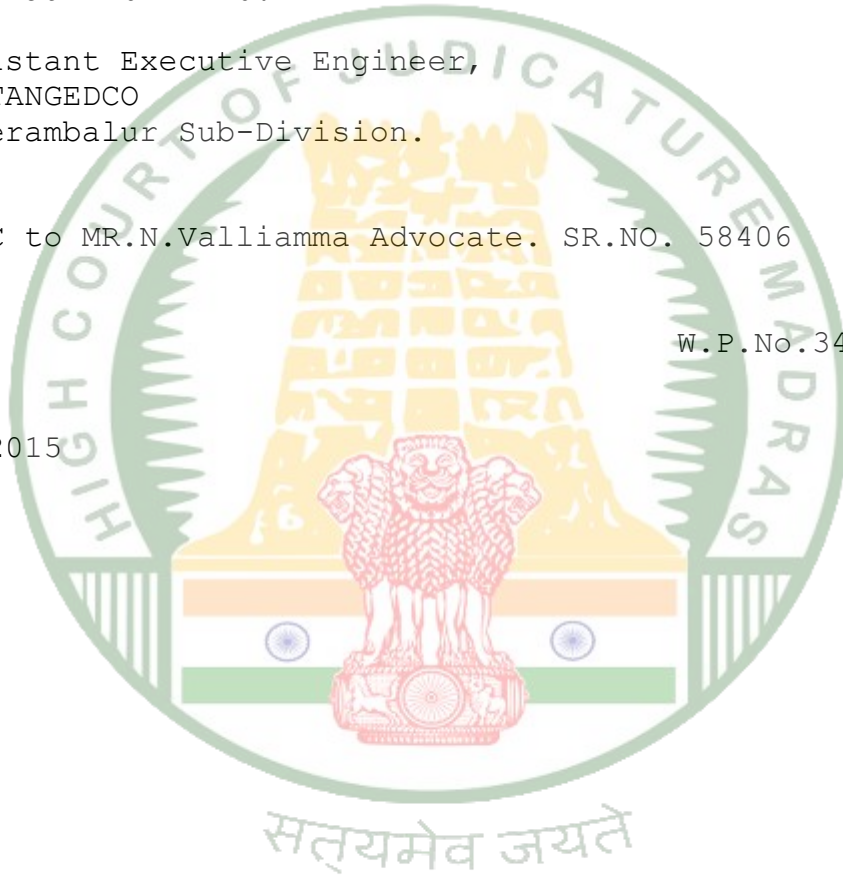
To

- 1.The Superintending Engineer,
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- 2.The Executive Engineer,
O & TANGEDCO
Perambalur Division,
Perambalur- 621 220.
- 3.The Assistant Executive Engineer,
O & M TANGEDCO
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+1 CC to MR.N.Valliamma Advocate. SR.NO. 58406

W.P.No.34155 of 2015

CO-AK
JD 16/11/2015



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