

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.29935 of 2014

& M.P.No.1 of 2014

S.Natarajan ... Petitioner

Vs.

1. The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Dharmapuri.
 2. The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Hosur, Krishnagiri District.
 3. The Assistant Engineer,
Operation and Maintenance,
TANGEDCO, Indur,
Dharmapuri District.
- ... 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 reinstate the petitioner in the post of Helper by considering his representation, dated 15.10.2014.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.M.Fakir Mohideen

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to reinstate the petitioner in the post of Helper by considering his representation, dated 15.10.2014.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he joined in the office of the respondents as Helper on 26.03.2009 and had put in unblemished

service. He married one Umasankari on 23.06.2008 as per Hindu rites and customs. Due to misunderstanding between them, an application in H.M.O.P.No.75 of 2012 on the file of the Sub-Court, Dharmapuri, was filed seeking divorce. Pending the divorce application, the petitioner's wife lodged a complaint on 08.02.2013 before All Women Police Station, based on which, a case had been registered against the petitioner in Crime No.9 of 2013 under Sections 498-A and 494 IPC, as a result of which, he was arrested on 08.02.2013 and remanded to judicial custody. Final report was filed in the said case in C.C.No.53 of 2013 before the Judicial Magistrate-1, Dharmapuri. Immediately, the petitioner filed a quash-petition before this Court in CrI.O.P.No.11328 of 2013 and obtained interim stay of all further proceedings and also obtained order dispensing with his personal appearance before Court. While so, the first respondent passed an order dated 15.02.2013 suspending the petitioner from service for being in judicial custody beyond 48 hours. Since he was not paid the subsistence allowance, he filed W.P.No.28726 of 2013 before this Court, which was disposed of on 23.10.2013, pursuant to which, he was paid the subsistence allowance for few months and the same was not paid subsequently. He sent a representation, dated 15.10.2014 and also by person seeking reinstatement into service. As nothing was done, the petitioner has preferred this Writ Petition for the relief stated supra.

3. Learned counsel for the petitioner submitted that though no counter affidavit is filed till date, taking into consideration the facts and circumstances of the case, this Court could issue direction as prayed for. Upon hearing both sides and perusing the materials available on record, this Court is not inclined to give positive direction as prayed for by the petitioner. Considering the submissions made, since the said representation of the petitioner is pending with the respondents, it is appropriate to give direction to the respondents to consider the said representation.

4. Accordingly, the petitioner is directed to furnish a copy of the said representation, dated 15.10.2014 along with a copy of this order, to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation from the petitioner, the respondents are directed to consider the same on merits and in accordance with law and pass appropriate orders with regard to the petitioner's reinstatement into service, within a period of four weeks from the date of receipt of such representation. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to decide the same at the time of disposing of such representation.

5. With the above observations and directions, the Writ

Petition is disposed of. No costs. The Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Copy to

1. The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Dharmapuri.
2. The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Hosur, Krishnagiri District.
3. The Assistant Engineer,
Operation and Maintenance,
TANGEDCO, Indur,
Dharmapuri District.

+1cc to Mr.M. Fakkir Mohideen, Advocate, S.R.No.63021
+1cc to Mr.R. Jayaprakash, Advocate, S.R.No.63199

nr (CO)
md (18/11/2016)

सत्यमेव जयते W.P.No.29935 of 2014

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