

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.06.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.26104 of 2012

T.Thambi

.. Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
[TANGEDCO],
Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,
Erode Electricity Distribution Circle,
Tamil Nadu Electricity Board,
[TANGEDCO],
Erode - 9, Erode District.

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the representation / appeal made by the petitioner dated 01.12.2009 and to pass orders on the same and consequently direct the respondents to reinstate the petitioner into service in the respondent Board based on the Board's proceedings dated 07.11.2002, within a time framed to be fixed by this Court. [prayer amended as per order dated 05.02.2014 in M.P.No.1 of 2014 in W.P.No.26104 of 2012].

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel for TNEB

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the first respondent to consider the representation / appeal made by the petitioner dated 01.12.2009 and to pass orders on the same and consequently direct the respondents to reinstate the petitioner into service in the respondent Board based on the Board's proceedings dated 07.11.2002.

2.The only ground raised by the petitioner is that in so far as the production of the forged certificates the entire cases have been directed to be withdrawn but in so far as the petitioner the case itself was conducted and he was convicted and the appeal was dismissed against him. Thereafter, he made a representation so that he could also be considered for reappointment, which has been rejected. Aggrieved over the same, the present Writ Petition has been filed.

3.Mr.P.R.Dhilip Kumar, learned Standing Counsel for TNEB has filed a detailed counter contending that a person, who has been convicted and also confirmed by the Appellate Court much before passing of the Government Order, he cannot seek a concession or benefit under the same.

4.Recording the submission made by the learned Standing Counsel for TNEB, this Court cannot direct the Government to appoint a person, who has been convicted for producing the forged documents for the purpose of appointment and his conviction was prior to the Government Order. Therefore, nothing survives for adjudication in this Writ Petition and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Chairman,
Tamil Nadu Electricity Board,
[TANGEDGO],
Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,
Erode Electricity Distribution Circle,
Tamil Nadu Electricity Board,
[TANGEDGO],
Erode - 9, Erode District.

+1cc to Mr.P.R.Dhilipkumar, Advocate SR.34391

W.P. No.26104 of 2012

Mp 1[co]
srg 14/07/2016