

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31698 of 2016

P.D.Muthusamy

... Petitioner

vs.

1.The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO Ltd.,) rep. by its Chairman,
Chennai - 2.

2.The Chief Engineer,
Distribution, Erode Region,
TANGEDCO Ltd., Erode.

3.The Superintending Engineer,
Distribution Circle,
TANGEDCO Ltd., Salem.

4.The Executive Engineer (General),
Salem Electricity Distribution Circle,
Salem - 14.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to sanction and disburse interest for the delayed payment of DCRG and other pensionary and retirement benefits and also sanction commuted value of pension and disburse the same with interest all within a time frame as this Court deems fit.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.P.R.Dhilip Kumar

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to sanction and disburse interest for the delayed payment of DCRG and other pensionary and retirement benefits and also sanction commuted value of pension and disburse the same with interest all within a time frame as this Court deems fit.

3. It is the case of the petitioner that he joined service in the Tamil Nadu Electricity Board in the year 1979 as Tester, Grade-II. Subsequently, he was promoted as Commercial Inspector, Junior Engineer, Assistant Engineer and finally as Assistant Executive Engineer. He was permitted to retire from service on 31.3.2014 AN with the disciplinary proceedings pending against him being continued under Rule 9 of the Tamil Nadu Pension Rules 1978. The allegation against the petitioner is that he demanded bribe of Rs.5,000/- from one P.Palanivel for getting two electricity service connections for agricultural purposes and later, reduced it to Rs.4,000/- and finally accepted Rs.2,500/- on 25.1.2008. In this connection, Vigilance and Anti Corruption Unit, Salem, registered a case in Crime No.1/AC/2008/SL on 25.1.2008 under Section 7 of Prevention of Corruption Act, 1988. Thereafter, after more than five years, disciplinary proceedings were initiated and an Enquiry Officer was appointed. During the pendency of enquiry, the petitioner was permitted to retire on attaining the age of superannuation on 31.3.2014. After conclusion of enquiry, the Enquiry Officer submitted his report stating that the charges were not proved. Thereupon, the Chief Engineer, Distribution, Erode Region, Erode passed an order dated 31.3.2016 dropping further action against the petitioner. Pending enquiry, the petitioner's retirement benefits were not disbursed to him. As per the provision of Rule 45-A(i) of the Tamil Nadu Pension Rules, 1978 the petitioner is entitled to interest for the delayed payment of DCRG. In this regard, he sent a representation dated 15.7.2016 to the first respondent seeking interest on the delayed payment. Since the same was not considered so far, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner produced a judgment of the Division Bench of this Court made in W.A.No.886 of 2007 dated 17.12.2008 (Government of Tamil Nadu rep. by the Secretary to Government, Revenue Department, Chennai

and another v. M.Deivasigamani) and submitted that in identical situation, a direction was given by the Division Bench of this Court to pay interest to the petitioner therein on the delayed payment. Thus, he sought for similar direction in this writ petition also.

5. I have heard the learned counsel, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court is of the view that instead of giving a positive direction, it would be appropriate to direct the second respondent to consider the case of the petitioner in the light of the judgment of the Division Bench of this Court cited above.

7. Accordingly, the petitioner is directed to give a fresh representation along with a copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation seeking interest for the delayed payment of DCRG and other pensionary and retirement benefits and for sanction of commuted value of pension and pass appropriate orders, on merits and in accordance with law and also in the light of the judgment of the Division Bench of this Court dated 17.12.2008 made in W.A.No.886 of 2007 (Government of Tamil Nadu rep. by the Secretary to Government, Revenue Department, Chennai and another v. M.Deivasigamani), within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sbi

To

1.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO Ltd.), Chennai - 2.

2.The Chief Engineer,
Distribution, Erode Region,
TANGEDCO Ltd., Erode.

3.The Superintending Engineer,
Distribution Circle,
TANGEDCO Ltd., Salem.

4.The Executive Engineer (General),
Salem Electricity Distribution Circle,
Salem - 14.

+1 CC to Mr. M.Ravi, Advocate Sr.No.51818

W.P.No.31698 of 2016

NM (CO)
MD : 04/10/2016



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