



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18764 of 2016

Theetharappan

... Petitioner

vs.

1)The Chief Engineer/Personnel,
TANGEDCO,
144, NPKRR Maligai,
Anna Salai,
Chennai-600002.

2)The Superintending Engineer,
TANGEDCO Limited,
Tirunelveli Electricity Distribution Circle,
Tirunelveli-627011.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representations of the petitioner dated 16.05.2016 and 19.09.2016 in accordance with the Regulation No.9 of the TNEB Service Regulations and pass necessary orders for treating the period from 27.10.2005 to 28.12.2007 during which the petitioner was kept under suspension as 'duty period', sanction him the annual increment and new scale of pay etc.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.A.Kasinathadurai

ORDER

The petitioner has been serving in the respondent Board for more than 25 years; whileso, pursuant to the registration of a criminal case, he was placed under suspension from 27.10.2005 to 28.12.2007; subsequently, on 29.12.2007, the order of suspension was revoked by the 1st respondent; thereafter, he was acquitted in the said criminal case, vide judgment dated 24.03.2016 in Special Case No.29/2014, on the file of the learned Special Court for the Prevention of Corruption Act Cases, Tirunelveli; citing acquittal from the criminal case, the petitioner made a representation dated 16.05.2016 to the 1st respondent to regularise the period of suspension from 27.10.2005 to 28.12.2007; that representation did not evoke any response and therefore, the petitioner has filed



this writ petition to direct the respondents to consider his representations dated 16.05.2016 and 19.09.2016 in accordance with Regulation No.9 of the TNEB Service Regulations and to pass orders for treating the period of suspension from 27.10.2005 to 28.12.2007 as 'duty period', and to sanction him annual increment and new scale of pay etc.

2.The prayer in this writ petition lies in a narrow compass. In this regard it is relevant to extract Regulation No.9 of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulation:-

'9.Where a Board employee is --

(a) Placed under suspension in view of the fact that a complaint against him of any criminal offence is under investigation or trial; or

(b) dismissed or removed from service or compulsorily retired on the ground of conduct which has led to his conviction on a criminal charge and --

--the Board employee is subsequently reinstated in service on his acquittal by the Court either on merits or on the ground that the charge has not been proved against him or by giving benefit of doubt or on any other technical ground or on the ground that he has been pardoned by the Court as he turned approver based on his judicial confession, he must be regarded as having been prevented from discharging his duties and the period of his absence including the period of suspension shall be treated as duty for all purposes and he shall be paid full pay and allowances which he would have been entitled to, had he not been under suspension or dismissed or removed or compulsorily retired from service.'

3.The learned standing counsel appearing for the respondents submitted that it is agreeable for the respondents to consider the representations of the petitioner dated 16.05.2016 and 19.09.2016 respectively, in the light of Regulation No.9 of the TNEB Service Regulations and to pass orders within a time frame.

4.Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the representations of the petitioner dated 16.05.2016 and 19.09.2016 respectively, in the light of Regulation No.9 of the TNEB Service Regulations(supra) and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS I)

/True copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

1) The Chief Engineer/Personnel,
TANGEDCO,
144, NPKRR Maligai,
Anna Salai,
Chennai-600002.

2) The Superintending Engineer,
TANGEDCO Limited,
Tirunelveli Electricity Distribution Circle,
Tirunelveli-627011.

+1cc to Mr.R.Subramanian, Advocate SR.No.57847/2016

+1cc to Mr.G.Kasinathadurai, Advocate SR.no.57597/2016

nbi

sm:KP:02/11/2016:3P/5C

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