



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.19128 of 2016

G.Chitharthan

... Petitioner

vs.

The Tamil Nadu Generation and Distribution Corporation Ltd.,
Rep by its Chief Engineer (Distribution)
Tirunelveli District.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondent to regularize the period from 11.10.2013 to 17.01.2014.

For Petitioner : Mr.T.Antony Arul Raj
For Respondent : Mr.G.Kasinatha Durai

ORDER

The petitioner joined the services of the respondent/TANGEDCO as Technical Assistant in the year 1988; later, he was promoted as Junior Engineer Grade-II, then, Junior Engineer Grade-I in the year 2003; there was a complaint against the petitioner that he unlawfully removed two teak wood poles belonging to TANGEDCO, in respect of which, the respondent initiated disciplinary proceedings against the petitioner; a charge memo dated 26.11.2013 was also issued; thereafter, he was suspended from service; the Chief Engineer, Tirunelveli Region, by order dated 27.11.2013 revoked the order of suspension and the petitioner was transferred and posted at 110/11KV Grid, Thulukkapatti Sub Station, Virudhunagar District; he was under medical leave for the period of one month; thereafter, he joined duty on 17.01.2014 and the disciplinary authority, after accepting the report of the enquiry officer issued a show cause notice proposing the punishment of reduction to lower stage in respect of which W.P(MD)No.13317 of 2015 is pending.

2.The learned counsel for the petitioner would contend that as the suspension has already been revoked and as the punishment proposed is not the one of removal from service, but only reduction in rank, the petitioner is entitled to have the period of suspension regularised that is starting from 11.10.2013 to 17.01.2014.



3.The learned standing counsel for the respondent would submit that it is agreeable for the respondent to consider the representation of the petitioner dated 01.08.2016, seeking regularisation of the suspension period, and to pass orders within a time frame.

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4.Recording the above submission, this Writ Petition is disposed of directing the respondent to consider the representation of the petitioner dated 01.08.2016 and to pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS I)

/True Copy/

Sub Assistant Registrar

To

+1cc to Mr.G.Kasinatha Durai Advocate Sr.No. 59282

+1cc to Mr.T.Antony Arul Raj Advocate Sr.No. 59710

JAM/24.10.16/SKS-RR/2p-3c

W.P(MD)No.19128 of 2016

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