

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.4786/2017

K. Parasuraman .. Petitioner

Versus

1 Chairman Cum Managing Director,
Tamil Nadu Electricity Board Ltd.,
10th Floor, Electricity Avenue,
Anna Salai,
Chennai- 2.

2 Chief Engineer / Distribution,
TANGEDCO / Erode Region,
EVN Road, Opp. Govt. Hospital,
Erode.
Erode District.

3 Superintending Engineer,
Salem Electricity Distribution Circle,
TANGEDCO / Udaypatty By-pass,
Tamil Nadu Electricity Board,
K N Colony Post,
Salem – 14.
Salem District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to consider and pass orders on the appeal petition, submitted by the petitioner on 10.11.2016.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Associates
For Respondents : Mr.P.R.Dhilipkumar

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.R.Dhilipkumar, learned Standing counsel accepts notice on behalf of the respondents.

2 The petitioner was appointed as a Tester Grade-II, on 17.12.1987 and acquired B.E., degree during November 1994 through Lateral Entry and got his promotion as Assistant Engineer on 02.08.1995. The petitioner, while working in that capacity, was issued with an order of suspension on 10.04.2003. Thereafter, the 3rd respondent has issued a Charge Memo alleging certain irregularities and after conducting enquiry, the petitioner was removed from service on 31.12.2011. The petitioner made a challenge to the said order by filing an appeal to the 2nd respondent, who vide order dated 14.08.2012, has modified the punishment as to the reduction in time scale of pay for the minimum for a period of three years and accordingly, he was reinstated into service on 29.08.2012. The petitioner once again was visited with the disciplinary

proceedings which has also ended in punishment of removal from service on 09.06.2015 and he made a challenge to the said order by way of an appeal to the 2nd respondent and vide order dated 19.12.2015, it was modified to reduction of pay to minimum time scale for 3 years and he was reinstated on 05.01.2016. The petitioner also filed a mercy petition to the 1st respondent praying for treating the said period for the purpose of pension and other eligible benefits and since no orders have been passed, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the period of reduction in time scale of pay may be taken into consideration for the purpose of conferment of pension and other benefits and prays for appropriate orders.

4 Per contra, Mr.P.R.Dhilip Kumar, learned Standing Counsel appearing for the respondents would submit that the petitioner is a repeating delinquency and he should be fortunate that the orders of punishment have been modified to one of reduction in time scale of pay and by considering the nature of delinquency, he is not entitled to any equity and prays for dismissal of the writ petition.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his mercy petition / appeal or in this writ petition, directs the 1st respondent to consider and dispose of the petitioner's representation dated 10.11.2016 on merits and in accordance with law and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

27.02.2017

Index : No
Internet : Yes

AP

To

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M. SATHYANARAYANAN, J.,
AP

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