

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2017

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THE HONOURABLE MR.JUSTICE T. RAJA

W.P.No.11304 of 2017

A.Karthikeyan

... Petitioner

Vs.

1. Tamilnadu Generation and Distribution Corporation Ltd., rep. by its Chairman and Managing Director, 144, Anna Salai, Chennai-2.
2. The Chief Engineer (Personnel), Tamilnadu Generation and Distribution Corporation Ltd., 144, Anna Salai, Chennai-2.
3. The Chief Engineer (Distribution), Tamilnadu Generation and Distribution Corporation Ltd., Chennai Region (South), 144, Anna Salai, Chennai - 2.
4. The Superintending Engineer, Chennai Electricity Distribution Circle (South-II) Tamilnadu Generation and Distribution Corporation Ltd., K.K.Nagar, Chennai-78.

... Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of Writ of Mandamus to direct the respondents to consider the petitioner's representations dated 15.02.2016, 19.09.2016, 08.12.2016, 16.12.2016, 20.02.2017, 12.04.2017 and 22.04.2017 and to treat the period of suspension from 28.01.2003 A.N. to 11.04.2006 A.N. as duty for all purposes, to pay him pay and allowances for that period to sanction him annual and other increments from 09.05.2003 including the special increment for Golden Jubilee Celebration; to pre-pone his date of declaration and completion of his successful probation period in the post of Assistant Engineer (Electrical), by excluding the period of suspension and to promote him as Assistant Executive Engineer (Electrical) from

24.08.2012 on par with his immediate junior Thiru S.Muthiah with due and appropriate seniority by placing him above Thiru.S.Muthiah in the post of Assistant Executive Engineer (Electrical) in the panel dated 03.08.2012 and the allotment order dated 24.08.2012 issued by the second respondent in Memo No.013019/43/G1/G11/2011-108 and letter No.072015/G.11/G.111/2012-1, with monetary benefits and all other consequential benefits.

For Petitioner .. Mr.V.Ajoy Khose

For Respondents .. Mr.R.Varalakshmi, SC
for TNEB

ORDER

Writ Petition has been filed seeking for the issuance of Mandamus to direct the respondents to consider the petitioner's representations dated 15.02.2016, 19.09.2016, 08.12.2016, 16.12.2016, 20.02.2017, 12.04.2017 and 22.04.2017 and to treat the period of suspension from 28.01.2003 A.N. to 11.04.2006 A.N. as duty for all purposes, to pay him pay and allowances for that period and to sanction him annual and other increments from 09.05.2003 including the special increment for Golden Jubilee Celebration; to pre-pone his date of declaration and completion of his successful probation period in the post of Assistant Engineer (Electrical), by excluding the period of suspension and to promote him as Assistant Executive Engineer (Electrical) from 24.08.2012 on par with his immediate junior Thiru S.Muthiah with due and appropriate seniority by placing him above Thiru.S.Muthiah in the post of Assistant Executive Engineer (Electrical) in the panel dated 03.08.2012 and the allotment order dated 24.08.2012 issued by the second respondent in Memo No.013019/43/G1/G11/2011-108 and letter No.072015/G.11/G.111/2012-1, with monetary benefits and all other consequential benefits.

2.The petitioner while serving as an Assistant Engineer (Electrical) suffered with an order of suspension with effect from 28.01.2003 vide order dated 30.01.2003, pursuant to his arrest and remand to judicial custody, as per the First Information Report in FIR No.1/AC/2003/CC-II registered by the Director of Vigilance of Anti Corruption, Chennai. Although he has made a request to revoke the order of suspension on 03.10.2005, on the ground that no one should be kept under prolonged suspension, after a long time, the order of suspension was revoked on 07.04.2006 and he was allowed to join duty. Subsequently, the criminal case registered against him, also came to be dismissed in his favour holding that the petitioner was not guilty, under Section 132 of the Prevention of Corruption Act 1988. Pursuant thereto, he has given

representations on 15.02.2016, 19.09.2016, 08.12.2016, 16.12.2016, 20.02.2017, 12.04.2017 & 22.04.2017 and requested to treat the period of suspension from 28.01.2003 A.N to 11.04.2006 A.N as duty period for all purposes. The fourth respondent has also made recommendation for regularisation of his period of suspension and promote him to the post of Additional Executive Engineer(Electrical). Till date, the respondents have not passed any orders of regularisation of the said period. Therefore, the petitioner has come forward before this Court with the present writ petition.

3.Ms.R.Varalakshmi, learned Standing Counsel taking notice for the respondents, sought eight weeks time to consider the petitioner's representations dated 15.02.2016, 19.09.2016, 08.12.2016, 16.12.2016, 20.02.2017, 12.04.2017 & 22.04.2017.

4.Recording her statement, the first respondent is hereby directed to consider the petitioner's representations dated 15.02.2016, 19.09.2016, 08.12.2016, 16.12.2016, 20.02.2017, 12.04.2017 & 22.04.2017 on merits and pass appropriate orders in the light of Rulings 9, r/w. Rule 57(B) of the TNEB Service Regulations, within a period of eight weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

1. The Chairman and Managing Director,
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai, Chennai-2.
2. The Chief Engineer (Personnel),
Tamilnadu Generation and Distribution
Corporation Ltd.,
144, Anna Salai, Chennai-2.
3. The Chief Engineer (Distribution),
Tamilnadu Generation and Distribution
Corporation Ltd.,
Chennai Region (South),
144, Anna Salai, Chennai - 2.

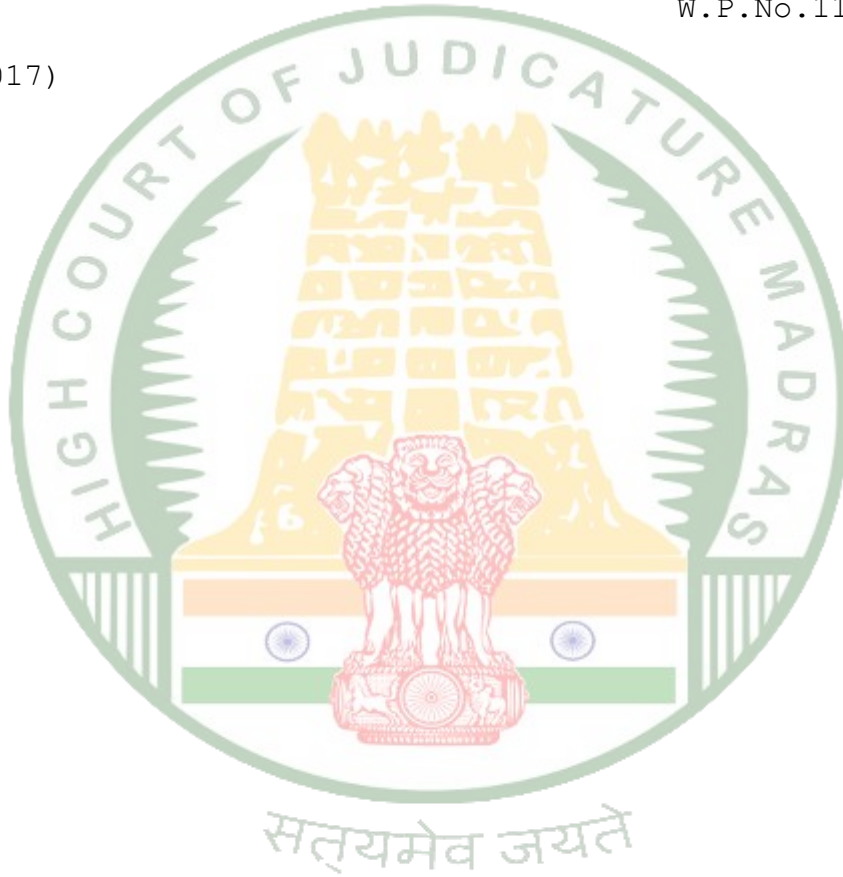
4. The Superintending Engineer,
Chennai Electricity Distribution Circle (South-II)
Tamilnadu Generation and Distribution
Corporation Ltd.,
K.K.Nagar, Chennai-78.

+1cc to Mr.V.Ajoy Khose, Advocate sr.39523

+1cc to M/s.R.Varalakshmi, Advocate sr.39709

W.P.No.11304 of 2017

ss (13/6/2017)



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