

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.26881 of 2017

V.Govindaraju

.. Petitioner

Vs

1.Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. By its Chairman,
144, Annasalai, Chennai - 2.

2.The Chief Engineer (Personnel),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Annasalai, Chennai - 600 002.

3.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Mettur Electricity Distribution Circle,
Mettur Dam - I, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to consider the petitioner representations dated 15.02.2017, 20.03.2017, 21.04.2017 and 25.05.2017 and to regularize the period of petitioner suspension from 02.07.2003 to 05.05.2004 as duty with pay with all consequential benefits including annual and other increments and also to promote the petitioner as Assistant Executive Engineer (Electrical) with effect from the date on which the petitioner immediate junior Thiru A.R.Ramasamy was promoted to that post with all monetary and other consequential benefits and also to consider and promote the petitioner as Executive Engineer (Electrical) based on his seniority as per Ruling 9 read with Rule 57B of the TNEB Service Regulations and the judgment of the Hon'ble Supreme Court reported in 1991 Supp.(2) SCC 199.

For petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.P.R.Dhilipkumar

O R D E R

The petitioner seeks for issuance of a writ of mandamus to direct the respondents to consider his representations dated 15.02.2017, 20.03.2017, 21.04.2017 and 25.05.2017 and then to regularize his period of suspension from 02.07.2003 to 05.05.2004 as duty period with pay and all other consequential benefits.

2. Learned counsel for the petitioner submitted that the petitioner, while serving as Assistant Executive Engineer (Electrical), suffered an order of suspension based on his arrest in Crime No.7/AC/2003 with effect from 02.07.2003. It is further stated that the said order of suspension was revoked on 05.05.2004 and consequently, he was permitted to join the duty without prejudice to the criminal case pending against him. After some time, the second respondent, vide his proceedings dated 30.11.2005, published the panel of Assistant Engineers (Electrical) who were selected for promotion as Assistant Executive Engineers (Electrical), in which, the name of the petitioner was not found place due to the pendency of the criminal case. Even in the another proceedings dated 25.08.2006 published by the second respondent, the name of the petitioner was not found place.

3. Aggrieved by the said panel list, the petitioner has filed a Writ Petition No.50166 of 2016 seeking to quash the above panel dated 25.08.2006 insofar as not including his name in the list of selected persons without prejudice to his right to get promotion. Finally, after filing of this writ petition, he was promoted as Assistant Executive Engineer (Electrical) on 24.04.2008. Recording the said promotion, this Court, by order dated 30.06.2010, closed the above said writ petition giving liberty to him to make a request to give him promotion with retrospective effect.

4. Finally, the petitioner was also acquitted from the criminal case by the learned Special Judge, Salem, vide judgment dated 29.12.2016 passed in CC.No.26 of 2014. Thereafter, though the petitioner has made several representations requesting the authorities to regularise his period of suspension and also further promote him on par with his immediate junior based on his acquittal from the criminal case, till date, the respondents have not considered his request, hence, the present writ petition with a prayer cited supra.

5. Learned counsel for the respondents, on instruction from the authorities, submitted that since the petitioner was acquitted in a criminal case by the learned Special Judge,

Salem, vide judgment dated 29.12.2016 passed in C.C.No.26 of 2014, the respondents are going to pass orders forthwith on his pending representations.

6. In view of the above, the second respondent is directed to consider and pass appropriate orders on the pending representations of the petitioner within a period of four weeks from the date of receipt of a copy of this order, in the light of Ruling 9 of the Regulation 57B of the Tamil Nadu Electricity Board Service Regulations. With this direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS VIII)

// True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Annasalai, Chennai - 2.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Annasalai, Chennai - 600 002.
- 3.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Mettur Electricity Distribution Circle,
Mettur Dam - I, Salem District.

+1cc to Mr.V.Ajoy Khose, Advocate SR.No.78195

SS(CO)
GN(22/11/2017)

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