



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.440 of 2017

and

C.M.P(MD)No.4068 of 2017

1. The Tamil Nadu Electricity Board,
Now called as Tamil Nadu
Generation And Distribution
Corporation Ltd,
Represented by its Chief Engineer (Personnel),
Anna Salai, Chennai - 600 002.
2. The Divisional Engineer,
Tamil Nadu Electricity Board,
Now called as Tamil Nadu
Generation And Distribution
Corporation Ltd,
Thirumaiyam, Pudukottai,
Formerly called as Managing Director of
Thirumaiyam Rural Electric
Cooperative Society (P.A.63)
Thirumaiyam, Pudukkottai District.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation
And Distribution Corporation Ltd,
Pudukottai.

... Appellants

Vs.

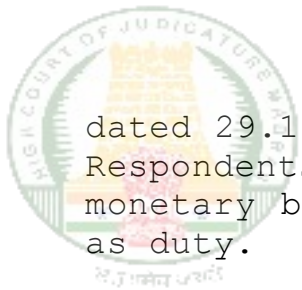
R.Pandian

... Respondent

PRAYER: This Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 21.06.2016 passed in WP(MD)No.2603 of 2013 on the file of this Court.

Prayer in WP(MD). 2603/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of teh first Respondent passed in Memo No.062787/CC/G.44/G.441/2002-2, dated 05.03.2008 and the impugned order of the second Respondent passed in Rc.No.3614/99/A2(1),



dated 29.10.1999 and quash the same and consequently directing the Respondents to reinstate the Petitioner with all attendant and monetary benefits and also to regularize the period of suspension as duty.

For Appellants
For Respondents

: Ms.P.Malini for Mr.T.S.Gopalan
: Mr.C.Jeganathan
for Ms.Veera Associates

J U D G M E N T

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

This writ appeal is at the instance of Tamil Nadu Electricity Board now called as Tamil Nadu Generation And Distribution Corporation Ltd. The order dated 21.06.2016 made in WP(MD)No.2603 of 2013 filed by the respondent herein is questioned.

2.The respondent was working as Assistant Engineer in Thirumaiyam Rural Co-operative Society. He was suspended by the said society on 29.10.1999. The said society was taken over by Tamil Nadu Electricity Board on 06.04.2002. The suspension of the writ petitioner was on account of registration of criminal case by Vigilance and Anti Corruption Department. The said criminal case ended in acquittal vide Judgment dated 29.01.2016. But the writ petitioner was not reinstated even thereafter. Hence, he filed WP(MD)No.2603 of 2013 challenging the suspension and seeking reinstatement with all benefits. The writ petition was allowed and his suspension order was set aside. Direction was given for reinstatement with all monetary benefits. Aggrieved by the same, Tamil Nadu Electricity Board has filed the present writ appeal.

3.The learned counsel appearing for the appellant corporation pointed out that the writ petitioner was not an employee of the Board when it took over the society. In any event, since the appellant has not done any work from 29.10.1999, he cannot be given the benefits. The principle of "no work no pay" would apply. But this contention of the appellant cannot be accepted in its entirety.

4.The writ petitioner was admittedly an employee of Thirumaiyam Rural Co operative Society. He was only under suspension. The employer - employee relationship does not get snapped during suspension. Therefore, when the Tamil Nadu Electricity Board took over the said society, obviously the appellant was also taken as an employee of Tamil Nadu Electricity Board. It is a matter of record that the appellant had been paying 100 % pay during the period of suspension as subsistence



allowance. Since the writ petitioner was also acquitted on 29.01.2016, he is entitled to get all the benefits from the said date.

5. The appellants are directed to regularize the period of suspension in view of the Judgment of acquittal. However, it is made clear that the appellant will not be entitled to any other benefits for the period from the date of suspension when he was under suspension from service till 29.01.2016. This writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To,

1. The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation And Distribution
Corporation Ltd,
Anna Salai, Chennai - 600 002.
2. The Divisional Engineer, Tamil Nadu Electricity Board,
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Thirumaiyam, Pudukkottai District.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation
And Distribution Corporation Ltd,
Pudukottai.

+1cc to M/s.Veera Associates Sr.No.72123
+1cc to Mr.T.S.Gopalan, Advocate SR.No.72212

SKM/ARUL
VB/JC/SAR2/08/09/2017/3P/6C

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and
C.M.P(MD)No.4068 of 2017
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