



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.04.2017
CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
Cont.P.(MD).No.1625 of 2016

WEB COPY

R.Pandian

...Petitioner/ Petitioner

Vs.

1.The Tamilnadu Electricity Board,
Now called as Tamil Nadu Generation
And Distribution Corporation Ltd.,
Rep. by Mr.A.Ravi,
Chief Engineer (Personnel),
Anna Salai, Chennai-600 002.

2.Mr.M.Anandhayi,
The Divisional Engineer,
Now called as Tamil Nadu Generation
And Distribution Corporation Ltd.,
Thirumaiyam, Pudukkottai,
Formerly called as
Managing Director of
Thirumaiyam Rural Electric
Co-operative Society (P.A.63),
Thirumaiyam,
Pudukkottai District.

3.Mr.C.Kalyana Sundaram,
The Superintending Engineer,
Tamilnadu Electricity Board,
Now called as Tamil Nadu Generation
And Distribution Corporation Ltd.,
Pudukkottai.

... Contemnors/respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act to prosecute the respondents for their wanton and willful disobedience of the orders of this Court made in W.P.(MD) No.2603/2013 dated 21.06.2016.

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 the 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 will all monetary and



attendant and monetary benefits and also to regularize the period of suspension as duty.

For Petitioner : Mr.Veerakathiravan
Senior Counsel for
M/s.Veera Associates

For Respondents : Mrs.S.Srimathy for
Mr.S.M.S.Johnny Basha

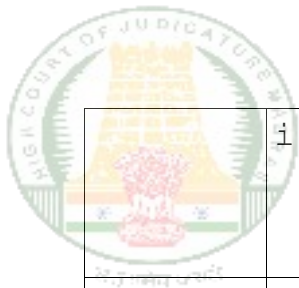
O R D E R

This Court has passed an order in the main Writ Petition by quashing the impugned order of suspension and further by directing reinstatement of the petitioner. As against the order of this Court, it is also admitted that the respondents have preferred an appeal and in the appeal, an interim order of stay is granted. In the meanwhile the first respondent has passed further proceedings vide memo No.033292/947/G.13/G.131/2017 dated 24.04.2017, reinstating the petitioner in compliance of the direction of this Court.

2.The learned Counsel appearing for the petitioner referred to the operative portion of the proceedings issued by the Chief Engineer, Administrative Branch, Tamil Nadu Generation and Distribution Corporation Limited, dated 24.04.2017, which read as follows :-

"4. In continuation, based on the reference 2nd cited, Thiru R.Pandian, Assistant Engineer (Suspension) of the then Thirumayam Rural Electric Co-operative Society has been absorbed in TANGEDCO Service and appointed as Assistant Engineer/Electrical in TANGEDCO Service in the Pay Band+Grade Pay of pay of Rs.10100-34800+5100 in Class II Service and is allotted to Assistant Engineer/ Electrical / Maintenance / 400 / 230-110KV Kayathar Sub-Station/Tirunelveli Electricity Distribution Circle against the existing vacancy and his appointment is subject to the outcome of the Writ Appeal (W.ASR(MD)No.4788/2017 filed by the Board.

5.His appointment as Assistant Engineer/Electrical is subject to the following conditions:



i)	His pay will be fixed as per orders in B.P.Ms.(FB)No.95 (Sectt.Branch) dated 20.11.1985) and clarificatory orders issued thereon from time to time.
ii)	He should produce satisfactory evidence in original regarding is educational qualification, date of birth and community before joining duty for verification and that if any discrepancy is found in the certificated or if is found to be unqualified, their appointment will be cancelled immediately followed by cancellation of absorption order.

6. The Physical Fitness Certificate produced by the individual may be verified based on the guidelines issued in Adm. Branch Memo NO.134/730/R.II(1)/85-1, dated 20.12.1995 (Published in TNEB Gazette) and defective Certificates may be returned to the individual for rectification of the defects by the Medical Officer who issued the certificate with his dated attestation.

7. If the individual does not possess adequate knowledge in Tamil he may be immediately directed to pass second language test within the period as per Service Regulations and entry to that effect may be made in the Service book of the individual. Further, he should pass the Accounts Test with in a period of two years (before regularization of his service).

8. The individual concerned should join duty at the place posted within 2 weeks from the date of issue of this order and no modification of posting will be entertained. Even if any attempt is made for modification through third person, the appointment order will be cancelled."

3.Thus, as per the above order, the petitioner was reinstated in service in compliance of the order of this Court, subject to the outcome of pending Writ Appeal. Therefore as on date, having regard to the factual position, this Court finds that there is no contempt. Hence this Contempt Petition is closed. However, liberty is given to the petitioner to take appropriate action and to seek appropriate relief depending upon the outcome of the Writ Appeal.

Sd/-

Assistant Registrar(Protocol)



To

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3.The Superintending Engineer,
Tamilnadu Electricity Board,
Now called as Tamil Nadu Generation
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Pudukkottai.

+1cc to VEERA ASSOCIATES in SR. No.54350
CMR/GSP
JS/KP/12.6.2017/4P-5C

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