

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1217 of 2018
C.M.P.No.9931 of 2018

The Superintending Engineer,
Tamil Nadu Electricity Board,
Coimbatore Electricity Distribution Circle
(North), Coimbatore-12. Appellant

Versus

N.N.Easwaran Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 23.1.2018 passed in W.P.No.9495 of 2011 on the file of this court.

W.P.No.9495 of 2011:

Writ Petition filed under Article 226 of the constitution of India praying for the issuance of a Writ of certiorarified Mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings Ku.As.No.015278/222/Ni.Pi.1/U.3/Ko.O.Na./2007 dated 28/5/2007 and quash the same and consequently direct the respondent to pay the backwages for the period from date of suspension i.e. on 11/06/2004 to the date of retirement 31/8/2005 for the period 447 days.

For appellant : Mr.P.R.Dhilipkumar
For respondent : Mr.C.Prakasam

JUDGMENT

(Judgment of the court was made by M.DHANDAPANI, J.)

This intra-court appeal is filed by the Tamil Nadu Electricity Board against the order passed by the learned Single Judge in allowing the writ petition filed by the respondent herein and thereby directing the appellant to pass orders regulating the period of suspension by granting full monetary benefits in terms of Regulation 9 of the Board Regulations.

2. It appears that the respondent herein, an employee of the Tamil Nadu Electricity Board, was convicted by the Trial Court in a case viz., C.C. No.772 of 2000 for the offence punishable under section 138 of the Negotiable Instruments Act, as confirmed by the Sessions Court in C.A.No.300 of 2002, however, he was acquitted by this court in R.C.No.1303 of 2004 by setting aside the conviction on the ground that the matter was settled. But, in the meanwhile, the respondent herein, who was initially suspended on 11.6.2004, was removed from service by order dated 12.10.2004. Such order was cancelled subsequent to the acquittal by the High Court and he was deemed to have retired on 31.8.2005 on superannuation, however, without backwages for the period from 11.6.2004 viz., the date from which he was suspended till the date of retirement.

3. The learned Single Judge, after considering Regulation 9 particularly clause (b) of the provision, granted the benefit in favour of the respondent and allowed the writ appeal.

4. On perusal of the impugned order, we find that in para 4 of the order, the learned Single Judge has elaborately discussed about the facts and circumstances and Regulation 9 of the Board Regulations which comes to the rescue of the respondent herein. Considering the above, the learned Single Judge has entertained the claim of the respondent herein and directed the authority to pass order regulation the period of suspension by granting full monetary benefits. Moreover, unlike any other criminal offence committed by a person, it is only a monetary transaction which more particularly, a private transaction and therefore, it will not come in the way of discharging his official duty as it is only a case of civil in nature. Therefore, we do not find any error in the order passed by the learned Single Judge. The writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssk.

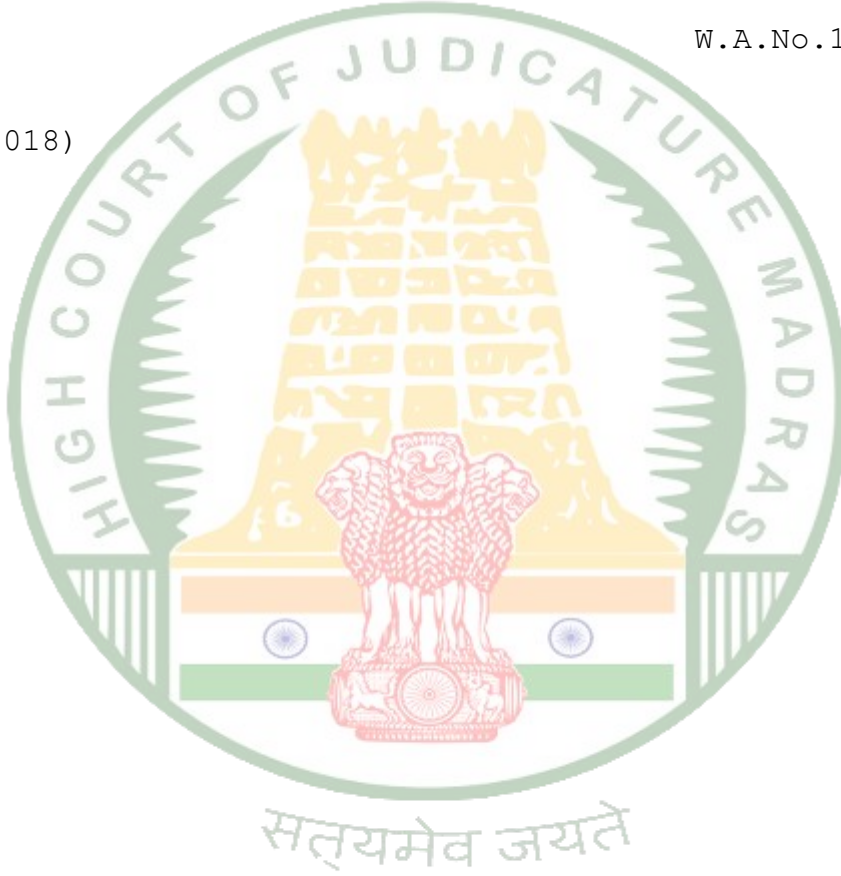
To:

The Superintending Engineer,
Tamil Nadu Electricity Board,
Coimbatore Electricity Distribution Circle
(North), Coimbatore-12.

+1 CC to Mr.C.Prakasam, Advocate sr 42071.

W.A.No.1217 of 2018

SP(31/07/2018)



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