

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2018

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.24669 of 2003
& WPMP.Nos.32368 of 2004
& WPMP.No.1292 of 2004

M.Murugan

...Petitioner

-Vs-

- 1 THE CHAIRMAN
TAMIL NADU ELECTRICITY BOARD
MADRAS-2.
- 2 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICITY BOARD CIRCLE
- 3 THE REGIONAL CHIEF ENGINEER
TAMIL NADU ELECTRICITY BOARD
VELLORE DIVISION
- 4 THE PRESIDING OFFICER
LABOUR COURT SALEM.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records from the fourth respondent relating to the proceedings in I.D.No.382/98 dated 30/11/98 and quash all the Proceedings against the petitioner as illegal and arbitrary and issue direction to the first respondent to reinstate the petitioner with all service benefits.

For Petitioner : Mr.S.N.Ravikumar

For Respondents: Mr.Fakkir Mohideen for R1 to R3
R4-Court

O R D E R

Heard Mr.S.N.Ravikumar, learned counsel appearing for the petitioner and Mr.Fakkir Mohideen, learned Standing Counsel appearing for the respondents TANGEDCO.

2. Today, when the case is taken up for hearing, learned counsel appearing for the petitioner submitted that, though this writ petition was filed against the Labour Court Award dated 30.11.1998 by which the order of termination passed by the respondent TANGEDCO against the petitioner pursuant to the disciplinary proceeding on a alleged charge of misappropriation of a sum of Rs.1190.50 was confirmed and the said writ petition has been pending for all these years, since the petitioner is 69 years of age as of now, in order to give quietus to the issue raised in this writ petition, instead of pressing for the present writ petition, since the petitioner has already given a representation to the respondent authority on 16.07.2018, if such representation is directed to be considered by the respondent TANGEDCO on merits and in accordance with law, within a time frame that would suffice for the petitioner and he will be satisfied to that effect.

3. For the said submission made by the learned counsel for the petitioner, Mr. Fakkir Mohideen, learned Standing Counsel appearing for the respondents TANGEDCO would submit that, the said representation of the petitioner dated 16.07.2018 would be considered on merits, within a time frame that may be stipulated by this Court.

4. In view of the said submission made by the learned counsel for the parties, this Court has taken into account the affidavit filed in this regard by the petitioner dated 17.07.2018 wherein, he has stated as follows:

" I further submits that against the termination order, I have filed ID 382/98 before his Hon'ble Labour Court, Salem and the same was dismissed on 30.11.1998 and against the award of confirmation of my termination order, I have filed this present writ petition and I was suggested by my counsel to give the representation to the Electricity Board with a request to modify the punishment from removal to compulsory retirement.

3. I further submits that I have given such a representation to the Regional Chief Engineer Tamil Nadu Electricity Board, Vellore Division on 16.07.2018 and I have already attained superannuation in the year 2007 and for the present I am at the age of 69 years though I have faced severe mental agony at the insist of removal now I am suffering lot for

want of monetary support and in the said circumstances if this Hon'ble Court pleased to permit the petitioner to withdraw the present writ petition by issuing direction to the respondent to consider my representation dated 16.07.2018, I will get sum monetary benefits out of modification of dismissal order to compulsory retirement.

4. Therefore, I pray that this Hon'ble Court may be pleased to record this memo and to dismiss the writ petition by issuing necessary direction to the third respondent to consider my representation dated 16.07.2018 and pass such or other orders may deem fit to the circumstances of the case and thus render justice."

5. By recording the said submissions made by the petitioner, this Court, instead of going into the merits of the issue raised in this writ petition, is inclined to pass the following order for the disposal of the writ petition to meet the ends of justice:

" The respondents are hereby directed to consider the representation of the petitioner dated 16.07.2018 on merits and in accordance with law. While making such exercise it is expected that the respondents will take a lenient and pragmatic view as the very charge made against the petitioner is only in respect of misappropriation of a sum of Rs.1190.50 and also the petitioner after having worked for several years in the respondent Corporation was terminated from service and he is at present 69 years of age. Accordingly, pass an order by giving some retrial or terminal benefits to the petitioner which ofcourse can be decided by the TANGEDCO on merits and any such decision shall be taken by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

6. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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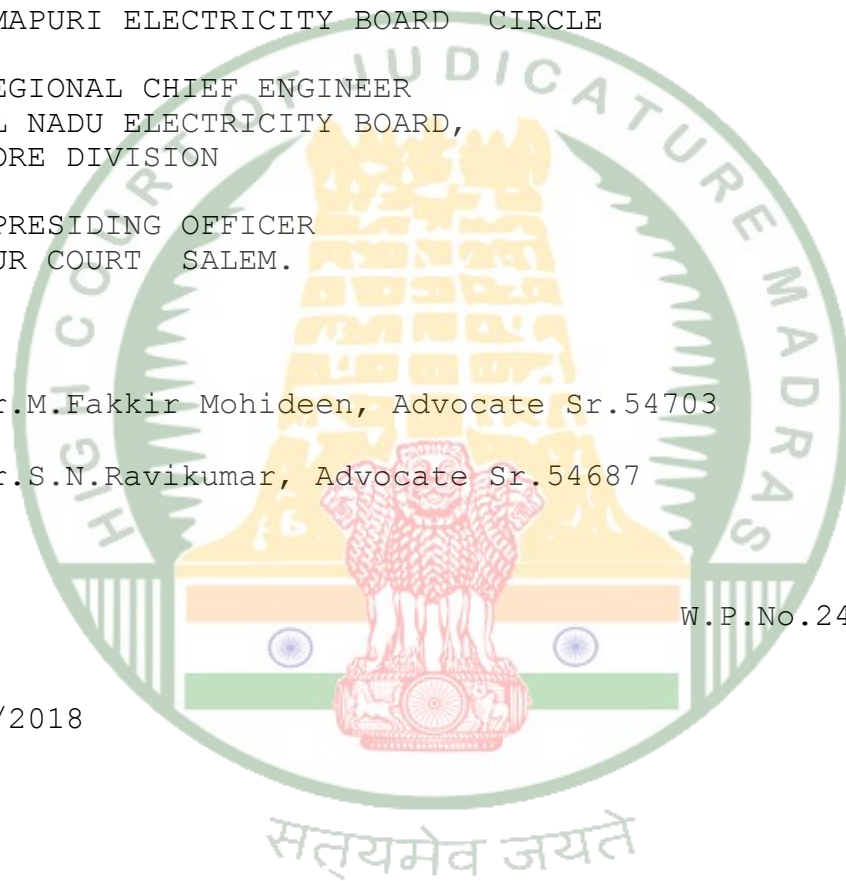
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+1cc to Mr.M.Fakkir Mohideen, Advocate Sr.54703

+1cc to Mr.S.N.Ravikumar, Advocate Sr.54687

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