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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.29294 of 2010
and
W.M.P.No.2587 of 2019

S.Maria Arokiaraj

.. Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer/Distribution/
Chennai Region/North,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
- 3.The Executive Engineer, (O & M)
Tamil Nadu Electricity Board,
Mylapore, Chennai - 600 014.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings Ku.A.No.714/Assistant A.A.O/Asst.3/2010, dated 02.11.2010 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all attendant benefits and other benefits.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.P.R.Dhilip Kumar
Standing Counsel for TNEB

O R D E R

The present Writ Petition is filed for issuance of writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 3rd respondent in his



proceedings Ku.A.No.714/Assistant A.A.O/Asst.3/2010, dated 02.11.2010 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all attendant benefits and other benefits.

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2.Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents and perused the entire materials on record.

3.The petitioner was appointed as Helper in the Tamil Nadu Electricity Board on 23.02.1989 and subsequently, he was promoted as Wireman in the year 1994. The petitioner while working as Wireman, was imposed punishment of stoppage of increment and recovery of a sum of Rs.7,29,835/-. The petitioner filed an appeal before the first respondent on 13.08.2010, challenging the punishment imposed on him and the same is pending. While the said appeal is pending, the third respondent has passed the impugned order bearing Ku.A.No.714/Assistant A.A.O/Asst.3/2010, dated 02.11.2010, whereby made recovery from the arrears of pay from the petitioner and also deducting a sum of Rs.5,000/- from his salary every month. The petitioner has come out with the present Writ Petition to quash the impugned order on the ground that while the appeal filed by the petitioner is pending, the present impugned order is invalid.

4.The respondents filed counter affidavit and made various averments on merits. In the counter affidavit, the respondents admitted that the appeal filed by the petitioner is pending. Both the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondents submitted that even today, the appeal filed by the petitioner is pending. In view of the above facts, without deciding the rival contentions on merits, it is suffice to direct the first respondent to dispose of the appeal filed by the petitioner on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. Till the appeal is disposed of by the first respondent, the impugned order is kept in abeyance.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

krk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

- 1.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer/Distribution/
Chennai Region/North,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
- 3.The Executive Engineer, (O & M)
Tamil Nadu Electricity Board,
Mylapore, Chennai - 600 014.

+lcc to Mr.P.R.Dhilip Kumar, Advocate, SR.No.60481
+lcc to Mr.C.Prakasam, Advocate, SR.No.61429

W.P.No.29294 of 2010 and
W.M.P.No.2587 of 2019

Kak(13/09/2019)