

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.3114 of 2015

MP.No.1 of 2015

V.Ganapathy
Petitioner

Vs

- 1.The Chief Engineer, Distribution, Chennai Zone
Chennai Electricity Distribution Circle, Annasalai
Chennai-2
- 2.The Additional Chief Engineer,
Chennai Electricity Distribution Circle, South
Chennai
- 3.The Superintending Engineer
Chennai Electricity Distribution Circle, K.K.Nagar
Chennai-78
- 4.The Executive Engineer (O&M)
CEDC South, K.K.Nagar, Chennai-78
Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondents to consider the representations of the Petitioner, dated 5.1.2005, 1.2.2006, 3.4.2007, 3.6.2008 and 4.9.2014 and to disburse the Petitioner's service monetary benefits, forthwith without any further delay.

For Petitioner : Mr.Prakash Adiapadam

For Respondents : Mr.P.R.Dhilip Kumar

ORDER

- 1.The prayer in this Writ Petition is to issue a Writ of Mandamus, directing the Respondents to consider the representations of the Petitioner, dated 5.1.2005, 1.2.2006, 3.4.2007, 3.6.2008 and 4.9.2014 and to disburse the Petitioner's service monetary benefits, forthwith.
- 2.The facts of the case in a nutshell are that in the year 2004, when the Petitioner was working as the Inspector of Assessment in the Respondent Board, by proceedings dated 21.10.2004, he was suspended from service for having

misappropriated huge money of the Respondent Board and for certain irregularities in collecting and remitting the amount of the Respondent Board and thereafter, he was removed from service on 15.06.2009, as against which, he had filed WP.No.25101 of 2014, which is pending on the file of this Court. Seeking service monetary benefits, such as, revised fixation, new pay scale increments plus dearness allowance, bonus, surrender leave salary, GPF, FBF, FSFS payment and different amount after fixing new scale, etc. the Petitioner had sent several representations, dated 5.1.2005, 1.2.2006, 3.4.2007, 3.6.2008 and 4.9.2014 to the Respondent Board. Since the said representations are not considered so far, the present Writ Petition has been filed, seeking the reliefs as stated above.

3. The Respondents have filed a counter affidavit, stating that the Petitioner had misappropriated huge amount of the Respondent Board to the tune of Rs.28,87,845/- and the Petitioner is not entitled to certain monetary benefits, since he was in hail and removed from service.
4. This court heard the learned counsel on either side and considered their submissions and also perused the materials placed on record.
5. The grievance of the Petitioner is that he is entitled to get service monetary benefits for the period prior to the date of his suspension and his representations, seeking such service monetary benefits, are not considered so far.
6. It is seen from the counter that the Respondents Board has not answered as to stage of the said representations of the Petitioner, seeking such service monetary benefits and that they have only contended that the Petitioner had caused huge monetary loss to the Respondent Board and did not answer about any service monetary benefits being paid for the period prior to the date of suspension and subsistence allowance being paid to the Petitioner during the suspension period.
7. Considering the above said facts and circumstances of the case, though the prayer in this Writ Petition is for a larger relief, without going into the merits of the case, the Respondents are directed to consider and dispose of the representation of the Petitioner, dated 04.09.2014, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.
8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Srcm

To

1.The Chief Engineer, Distribution, Chennai Zone
Chennai Electricity Distribution Circle, Annasalai
Chennai-2

2.The Additional Chief Engineer,
Chennai Electricity Distribution Circle, South
Chennai

3.The Superintending Engineer
Chennai Electricity Distribution Circle, K.K.Nagar
Chennai-78

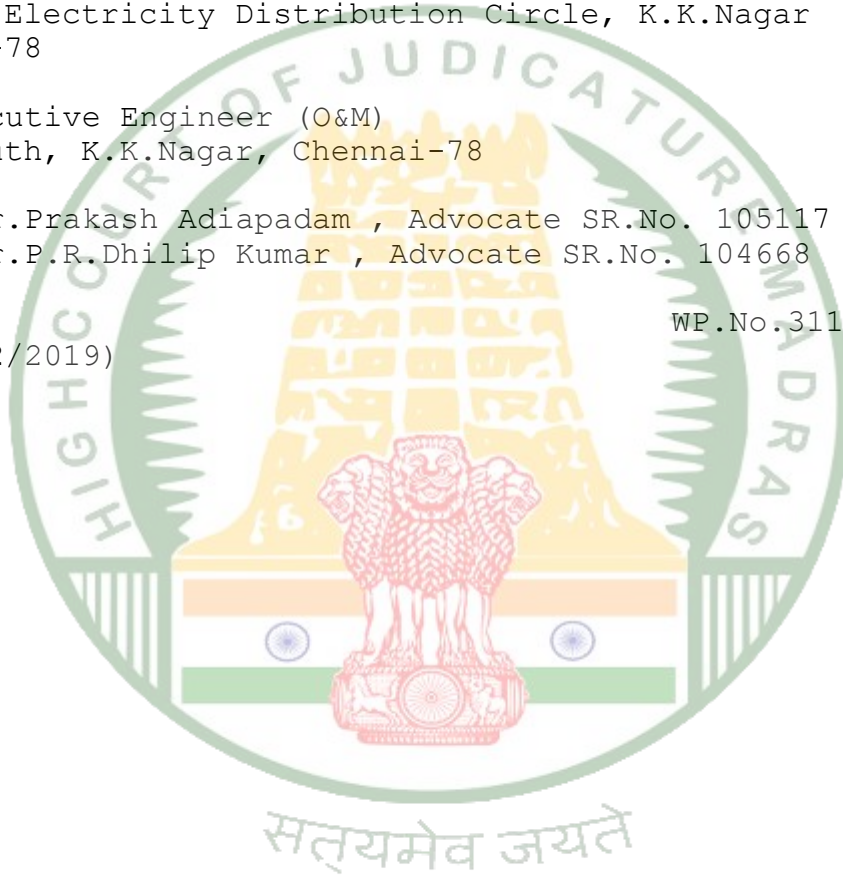
4.The Executive Engineer (O&M)
CEDC South, K.K.Nagar, Chennai-78

+lcc to Mr.Prakash Adiapadam , Advocate SR.No. 105117

+lcc to Mr.P.R.Dhilip Kumar , Advocate SR.No. 104668

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A.SK(26/12/2019)



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