

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31143 of 2019

G.Bhas

..Petitioner

vs

1.The Chairman

Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-600 002

2.The Chief Engineer/Distribution/

Chennai South,
TANGEDCO,
No.144, Anna Salai,
Chennai- 600 002

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate Writ, order or direction in the nature of Writ praying to direct the 1st respondent herein to dispose the Mercy Petition dated 28.03.2018 filed by the petitioner against the Appeal Order, dated 18.12.2017 and passed by the 2nd respondent within the stipulated time.

For Petitioner : Mr.B.L.Jayakandan
For Respondents : Mr.P.R.Dilipkumar

सत्यमेव जयते
O R D E R

The petitioner filed this Writ Petition seeking to direct the 1st respondent herein to dispose the Mercy Petition dated 28.03.2018 filed by the petitioner against the Appeal Order, dated 18.12.2017 and passed by the 2nd respondent.

2. The case of the petitioner is that the petitioner was appointed as Helper in the year 1987. Subsequently, he promoted as Wireman and further promoted to the post of Commercial Inspector. Thereafter, he was promoted as Assistant Engineer in the year 2006 and posted at P & C, Circle Sriperumbathur, thereafter, he was transferred and posted as an Assistant Engineer, St. Thomas Mount Electricity Distribution circle in

the year 2009. While so, he was transferred to North Electricity distribution Circle in Lakshmipuram Circle. The suspension order was issued on 01.03.2019 on the ground that the Board has revenue loss to a tune of Rs.70,06,799/- because of failure of replacement of defective meter in HIET and fixed responsibility against the petitioner. In spite of the same, the Superintendent Engineer, CEDC/North Order Suspended him from service on 01.03.2013. Thereafter, the petitioner made a representation to the Chief Engineer, CEDC/North/Chennai on 05.03.2013 for revoking the suspension order and the disciplinary proceeding concluded by imposition of punishment on 31.03.2017, after more than two years, the Superintendent Engineer (Chennai South) passed final orders against the petitioner with punishment of 'Stoppage of increment for two years with cumulative effect'. The petitioner filed appeal before the Chief Engineer TANGEDCO on 05.05.2017 challenging the order dated 31.03.2017. Thereafter, the petitioner filed in W.P.No.23832 of 2017 before this Court, to direct the Chief Engineer to dispose the appeal within a reasonable time and thereafter on 18.12.2017 the Chief Engineer partly allowed the above said appeal and modified the punishment of 'Stoppage of increment for two years without cumulative instead of two years with cumulative effect'. He once again moved before this Court and filed another W.P.No.5653 of 2018 and this Court by an order dated 14.03.2019 advised him to approach the Chairman and to file a Mercy petition before him. Hence, he withdraw this Writ petition with liberty to file Mercy Petitioner and he also filed a Mercy Petition before the Chairman on 28.03.2018 but till date the Chairman has not passed any order in respect of the Mercy Petition. Hence the petitioner filed the Writ Petition.

3. Heard both sides.

4. Considering the above facts and circumstances and the limited request made by the petitioner, I am inclined to issue direction to the respondents to dispose the Mercy petition dated 28.03.2018 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsn

To

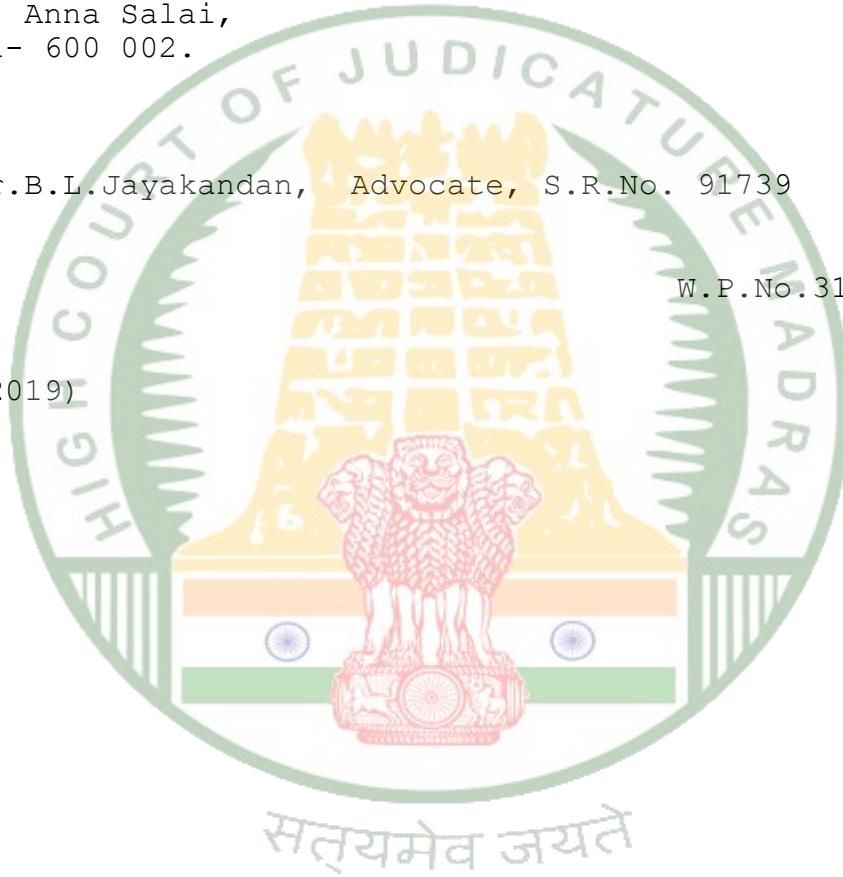
1.The Chairman
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-600 002

2.The Chief Engineer/Distribution/
Chennai South,
TANGEDCO,
No.144, Anna Salai,
Chennai- 600 002.

+2cc to Mr.B.L.Jayakandan, Advocate, S.R.No. 91739

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GMR (CO)
GN (27/12/2019)



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