



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32018 of 2019

A.SHANMUGANATHI

...Petitioner

Vs

- 1 The Chairman cum Managing Director,
Tamil Nadu Electricity Board,144,
Anna salai, Chennai 2.
- 2 The Chief Engineer (Personnel)
TANGEDCO, 144, Anna Salai,
Chennai 2.
- 3 The Superintending Engineer,
Erode, Electricity Distribution Circle,
TANGEDCO, Erode 9.

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue appropriate Writs, Orders or Directions and in particular issue a Writ in the nature of MANDAMUS, directing the respondents to consider and pass orders on the representation dated 22.7.2019 and the reminder dated 20.9.2019 of the petitioner requesting to pay all the monitory benefit for the period of compulsory retirement dated 9.9.2003 and 7.2.2010 i.e. period of compulsory retirement.

For Petitioner : Mr.S.Doraiswamy.

For Respondents : Mr.P.R.Dilipkumar.

ORDER

- 1.The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, to direct the respondents to consider and pass orders on the representation dated 22.7.2019 and the reminder dated 20.9.2019 of the petitioner requesting to pay all the monitory benefit for the period of compulsory retirement dated 9.9.2003 and 7.2.2010 i.e. period of compulsory retirement.



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2.The case of the petitioner is that the petitioner is the wife of one K.Arthanari who was working as a Wireman under the respondents /Electricity Board and while he was in service, he died on 14.01.2016. According to the petitioner, while her husband was in service, he was proceeded with disciplinary proceedings on certain irregularities and after conducting enquiry, he was imposed with the punishment of compulsory retirement vide order dated 09.09.2003, against which her husband filed an appeal before the second respondent, which came to be rejected. Challenging the same in W.P.No.9275 of 2008 was filed wherein while disposing of the same this Court after setting aside the impugned orders, remitted the matter to respondents for re-consideration. Pursuant to the same, the second respondent vide proceedings dated 08.10.2010 modified the punishment of compulsory retirement into stoppage of increment for a period of three years without cumulative effect and without back wages but with continuity of service. However, while modifying as such, the second respondent had observed that the period between the date of dismissal to the date of rejoining to duty by the delinquent to be treated as leave on loss pay. Consequently, the husband of the petitioner joined duty on 08.02.2010 and he made a representation to the second respondent clarifying that originally he was imposed with the punishment of compulsory retirement and not dismissal from service as observed by the second respondent, while modifying the punishment in his proceedings dated 08.01.2010 and further he is entitled for all the benefits between the period of punishment of compulsory retirement and rejoining since the same has been ordered to be treated as leave on loss of pay. However, there was no response from the respondents. The husband of the petitioner died on 14.01.2016. Now it appears that after the death of her husband , the petitioner made representations to the respondent on 20.07.2019 and 20.09.2019 to the respondents requesting to pay all the monetary benefits for the period from the date of compulsory retirement to till date of rejoining by her husband into service. Since no action is forthcoming the petitioner is before this Court.

3.The learned counsel for the petitioner would submit that without going into merits of the case since the representation made by the petitioner has been pending without any progress it would suffice if this Court directs the respondent and to consider and dispose of the representations made by the petitioner in accordance with law.

4.The learned counsel appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be



complied with and the representation of the petitioner would be disposed of in accordance with law.

5. Considering the facts and circumstances of the case and the submissions made on either side, without going into the merits of the case, the respondent is directed to consider and dispose of the representation dated 22.07.2019 and the reminder 20.09.2019 made by the petitioner, in accordance with law and on merits, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above observation, this Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jrs

To

- 1 The Chairman cum Managing Director,
Tamil Nadu Electricity Board, 144,
Anna salai, Chennai 2.
- 2 The Chief Engineer (Personnel)
TANGEDCO, 144, Anna Salai,
Chennai 2.
- 3 The Superintending Engineer,
Erode, Electricity Distribution Circle,
TANGEDCO, Erode 9.

+1 CC to Mr.P.R.Dilipkumar, Advocate sr 94924.

+1 CC to Mr.S.Doraiswamy, Advocate sr 95034.

W.P.No.32018 of 2019

VD(CO)
SP(17/12/2019)