



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.3249 of 2016

A.Jayaprakash

... Petitioner

Vs.

1.The Chief Engineer/Personnel (I/c),
Tamilnadu Generation and Distribution Corporation Ltd.,
Administrative Branch,
No.144, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation ltd.,
Theni Electricity Distribution Circle,
Theni-625 537.

3.The Executive Engineer/Distribution,
Tamilnadu Generation and Distribution Corporation ltd.,
Chinnamanur,
Uthamapalayam Taluk,
Theni District.

... Respondents

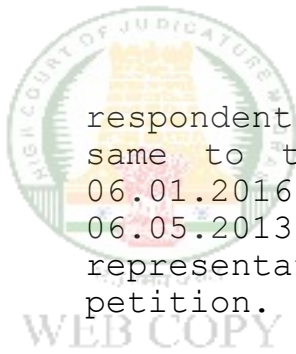
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents Nos.2 and 3 to disburse increments which are due to the petitioner after 06.05.2013 within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.S.Dhayalan,
Government Advocate

ORDER

The present writ petition is filed seeking for a mandamus, directing the Respondents Nos.2 and 3 to disburse the increments, which are due to the petitioner after 06.05.2013.

2. According to the petitioner, he has suffered various minor punishments and stoppage of increment and the punishment expired on 06.05.2013. Even after the expiry of punishment period, the



respondents have withheld the increments and did not disburse the same to the petitioner. The petitioner gave representation on 06.01.2016 to the third respondent to provide increments due after 06.05.2013. The third respondent has not passed any orders on the representation. Hence, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that if a direction is issued to the first respondent to consider the representation of the petitioner, it would suffice.

4. Mr.Dhayalan, learned Government Advocate appearing for the respondents submitted that due to pendency of the punishment, the petitioner was not given increments. However, the representation will be considered and orders will be passed on merits.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

6. From the materials on record, it is seen that the third respondent by the proceedings, dated 19.06.2012, addressed to the Deputy Commissioner of Labour, Dindigul, has listed out various punishments imposed on the petitioner and stated that period of punishment will expire on 6.5.2013 and the increment would be paid to the petitioner as per rules. According to the learned counsel for the petitioner, even after the expiry of the punishment period on 6.5.2013, the third respondent did not grant any increment and has not passed any orders on the representation of the petitioner, dated 6.1.2016. The third respondent has categorically stated that the petitioner would be granted increments after expiry of punishment period on 6.5.2013 and in view of the same, the third respondent is directed to consider the representation of the petitioner, dated 6.1.2016 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar



To

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Theni District.

+1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-85821[F] dated 09/09/2019

W.P. (MD)No.3249 of 2016

06.09.2019

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MS/01.10.2019/3P.5C