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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.30064 of 2017
and W.M.P.No.32634 of 2017

T. Ravikumar

..Petitioner

Vs

1.The Chairman Cum Managing Director,
TANGEDCO,
N.P.K.R.R. Maligai,
No.800, Anna Salai,
Chennai - 600 002.

2.The Executive Engineer,
Operation and Maintenance
TANGEDCO,
Tirrupur Electricity Distribution Circle,
Kangeyam.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pass orders on the representation dated 14.10.2016 seeking for the copy of the order of suspension and to revoke the suspension from service and to pay the subsistence allowance due to the petitioner from 02.06.2016.

For Petitioner : Mr.R. Diwakaran

For Respondents : M/s. Karthick Rajan
Senior Standing Counsel for TNEB

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents to pass orders on the petitioner's representation dated 14.10.2017 seeking for a copy of the order of suspension and to revoke the suspension from service and to pay the subsistence allowance due to the petitioner from 02.06.2016.



2. It is the case of the writ petitioner that he was appointed as Line Inspector in the second respondent/TANGEDCO. On 02.06.2016, the petitioner had assaulted the Assistant Electrical Engineer with an iron rod and used filthy language. Thereafter, a criminal complaint has been registered by Vellakoil Police Station, Kangeyam and an FIR has also been registered against the writ petitioner in Crime No.371 of 2016 for the alleged offences punishable under Sections 294(b), 353, 324 and 506(ii) of IPC. Thereafter, he was arrested and remanded to judicial custody in Coimbatore Prison on 04.06.2016. According to him, a copy of the suspension order was not served to the writ petitioner and the aforesaid criminal case registered against him, which is a false case. Following the same, he seeks the relief of revocation of the suspension order and also furnishing a copy of the suspension order. He did not receive any suspension order while he was in judicial custody. The petitioner was served with a letter dated 13.07.2016 stating that since he was placed under suspension from 02.06.2016, he is entitled to subsistence allowance from 02.06.2016. The writ petitioner requested for a copy of the order of suspension, but he was not provided with a copy of the order of suspension dated 02.06.2016. Thereafter, the petitioner made an application under the Right to Information Act seeking a copy of the order of suspension and also the reason for his suspension. He did not receive any reply till date or the copy of the order of suspension. He is under prolonged suspension from 02.06.2016 without any subsistence allowance and hence, the writ petitioner has come forward with the present writ petition before this Court for getting appropriate relief during the suspension period.

3. Counter affidavit has been filed by the second respondent stating that the writ petitioner was charged for the alleged offences punishable under Sections 294(b), 353, 324 and 506(ii) of IPC in Crime No.371 of 2016 and he was arrested and remanded to judicial custody on 04.06.2016. He further submitted that the copy of the suspension order was served on the writ petitioner by the Jail Authorities on 07.06.2016. As per Regulation 31(2) (b) (ii) of the Standing orders for TNEB workmen, subsistence allowance is entitled for the suspension period, as per which the writ petitioner has to furnish certificate to the effect that the petitioner continues to reside in the Headquarters, viz., Vellakoil and he has not engaged in any other employment, business, profession or vocation for disbursement of subsistence allowance.



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4. Heard Mr.R. Diwakaran, learned counsel appearing for the petitioner and M/s. Karthick Rajan, learned Senior Standing Counsel appearing for TNEB and perused the materials available on record before this Court.

5. It is found that the writ petitioner was appointed as Line Inspector under the second respondent/TANGEDCO. The writ petitioner had assaulted the Assistant Electrical Engineer with an iron rod and used filthy language. Subsequently, he was involved in the offences punishable under Sections 294(b), 353, 324 and 506(ii) of IPC and later he was arrested and remanded to judicial custody. Thereafter, the writ petitioner submitted a representation with full details to the second respondent. The second respondent considered the same and granted the subsistence allowance to the writ petitioner. Insofar as the main relief prayed for by the writ petitioner in the writ petition is concerned, the suspension order of the writ petitioner was furnished by the Jail Authorities to him on 07.06.2016 and the report has also been received from the Additional Superintendent, who has served the same and he has affixed his signature and affixed the seal in acknowledgement. The petitioner has also affixed his signature in the copy of the suspension order and therefore, the contention of the petitioner is that the copy of the suspension order has not been served is incorrect.

6. From the aforesaid facts, it is seen that the writ petitioner made a representation on 01.12.2016 and 14.10.2017 requesting the respondents to grant subsistence allowance. But, the respondent has not been disposed of by the second respondent. Further, as per the counter affidavit filed by the second respondent, the suspension order was served on the writ petitioner through the Additional Superintendent and he has also affixed his signature in the copy of the suspension order and therefore, the contention of the petitioner that the said copy of the suspension order has not been served to the writ petitioner, cannot be accepted and hence, the said contention is liable to be rejected.

7. Hence, this Court is inclined to consider the first contention of the petitioner for payment of subsistence allowance and to pass following order:-

(i) The writ petitioner has to submit the additional particulars along with copy of the representation dated 01.12.2016 and 14.10.2017 to the respondents within a period of two weeks from the date of receipt of a copy of this order and if any such additional particulars are received within the



aforesaid period.

(ii) The second respondent has to consider for payment of subsistence allowance to the writ petitioner as expeditiously as possible, and to consider the same under Section 57(2) of Service Regulations, as expeditiously as possible, within a period of eight weeks thereafter. In so far as, the revocation of the suspension order is concerned, it is for the writ petitioner to approach the Authority concerned.

8. With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chairman Cum Managing Director,
TANGEDCO,
N.P.K.R.R. Maligai,
No.800, Anna Salai,
Chennai - 600 002.
- 2.The Executive Engineer,
Operation and Maintenance
TANGEDCO,
Tirrupur Electricity Distribution Circle,
Kangeyam.

+lcc to Mr.R. Diwakaran, Advocate sr.175
+lcc to M/s. Karthick Rajan, Advocate sr.237

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