



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.08.2020**

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8831 of 2020

V.Arjunan

...Petitioner

-Vs-

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Tirunelveli Electricity Generation Circle,
Tirunelveli-11.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Generation/Urban,
Tirunelveli,
Tirunelveli District.

3.The Assistant Administrative Officer,
Generation Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
Tirunelveli,
Tirunelveli District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondent No.1 to provide annual increments and Selection Grade to the petitioner by considering the representation of the petitioner dated 04.07.2020 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis,
For Respondents : Mr.T.Sakthikumaran,
Standing Counsel

ORDER

The prayer sought for herein in this writ petition is for a Writ of Mandamus, directing the Respondent No.1 to provide annual increments and Selection Grade to the petitioner by considering the representation of the petitioner dated 04.07.2020 within the time stipulated by this Court.



2. Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mr.T.Sakthikumaran, learned Standing Counsel appearing for the respondents.

3. The petitioner has been working as Assistant (Administration) at the second and third respondents Office i.e., Tamil Nadu Generation and Distribution Corporation Limited, Tirunelveli. Against the petitioner, there was a disciplinary proceedings which ended in punishment of withholding his increment with cumulative effect, as against which, it seems that the petitioner has approached this Court and filed a writ petition in W.P(MD)No.11197 of 2019 and W.M.P(MD)No.8559 of 2019, where, this Court by an order dated 30.04.2019 has granted an interim order of stay.

4. Be that as it may, in view of the said punishment having been stayed and in view of the pendency of the writ petition filed by the petitioner, the petitioner's request for annual increment for the year 2019-2020 and also the due of conferring the selection grade to the petitioner in the year 2019, has not been considered, therefore, in order to get those benefits, the petitioner has given a representation on 04.07.2020.

5. The learned counsel appearing for the petitioner would submit that if at all the punishment awarded against the petitioner is the subject matter in the writ petition and pendency of the same, if is the reason for non-consideration of annual increment for the year 2019-2020, that can be justified for the time being. However, the learned counsel for the respondents cannot deny the benefit of conferring the status of selection grade to the petitioner of the year 2019 and even that benefit since has not been conferred and the issue has not been decided, the petitioner has approached the respondents by sending the representation, therefore, the said representation can be directed to be considered atleast only for the issue with regard to the conferment of the selection grade alone to the petitioner of the year 2019 within a time frame on merits and if that is ordered, the petitioner would be satisfied.

6. The learned Standing counsel appearing for the respondents would submit that, because of the pendency of the writ petition, where the punishment already awarded against the petitioner is a subject matter, the request of the petitioner was not considered for annual increment. Insofar as his plea with regard to conferment of selection grade is concerned that would be considered on merits and in accordance with law, accordingly, the representation of the petitioner, dated 04.07.2020 would be decided on merits within a time frame.



7. Considering the submissions made by both sides and by taking into account the factual matrix, this Court is inclined to dispose of this writ petition, with the following direction:

"that the respondents, especially, the first respondent is hereby directed to consider the representation of the petitioner dated 04.07.2020 only in respect of his plea seeking conferment of selection grade status from the year 2019 and decide the same 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 this direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:

(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintending Engineer,
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Tirunelveli Electricity Generation Circle,
Tirunelveli-11.
- 2.The Executive Engineer,
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Generation/Urban,
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- 3.The Assistant Administrative Officer,
Generation Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
Tirunelveli,
Tirunelveli District.



+1 CC to M/s.T. SAKTHIKUMARAN, Advocate (SR-13871[F]
dated 07/08/2020)

+1 CC to M/s.S. LOUIS, Advocate (SR-13935[F] dated
12/08/2020)

Order made in

W.P. (MD)No.8831 of 2020

Dated: **06.08.2020**

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SE (CO)
TR(04.09.2020) 4P 6C