



WEB COPY

W.P. (MD) No. 4765 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE S. SRIMATHY

W.P. (MD) No. 4765 of 2017

and

W.M.P (MD) No. 3812 of 2017

A.Irulandi

... Petitioner

vs..

1. The Chairman/Managing Directorate,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai- 600 002.
2. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai- 600 002.
3. The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Theni Electricity Distribution Circle,
Theni - 625 007.
4. The Executive Engineer (Distribution),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Chinnamanur, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders passed by the third respondent in Ku.Aa.No.04047/ Me.Po./Theni/ Ni.A/Ni.Pi.1/Vu.3/Ko.2016-1, dated 05.05.2016 and Ku.Aa.No.01030/ Me.Po./Theni/ Ni.A/Ni.Pi.1/Ni.Vu.2/Ko.4/2016-2, dated 05.05.2016, quash the same and direct the third respondent to pass necessary orders for calculating pay, pensionary benefits etc., of the petitioner by treating the period from 26.08.2011 to 28.01.2016 as 'duty period' with attendant monetary benefits and revise the petitioner's pension.

For Petitioner : Mr.T.Lajapathy Roy

For Respondents : Mr.T.Sakthikumar

<https://hcservices.ecourts.gov.in/hcservices/>



O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders passed by the third respondent, dated 05.05.2016 and Ku.Aa.No.01030/Me.Po./Theni/Ni.A/Ni.Pi.1/Ni.Vu.2/Ko.4/2016-2, dated 05.05.2016, quash the same and direct the third respondent to pass necessary orders for calculating pay, pensionary benefits etc., of the petitioner by treating the period from 26.08.2011 to 28.01.2016 as 'duty period' with attendant monetary benefits and revise the petitioner's pension.

2. The petitioner joined the respondent Corporation as a Helper on 11.11.1987, then promoted as Technical Assistant, Junior Engineer Grade II and Junior Engineer Grade I. The petitioner was placed under suspension on 19.05.2007, based on the criminal case registered against the petitioner and two others, in Crime No.1/2007 by Vigilance and Anti Corruption Police, Theni.

3. Then, a charge sheet was filed in Special Case No.2 of 2008 and after completing the trial, the learned Chief Judicial Magistrate/Special Judge convicted all the three accused. Hence, the third respondent passed an order, dated 26.08.2011, dismissing the petitioner from service.

4. The petitioner and the other accused preferred a Criminal Appeal in CrI.A.(MD)No.148 of 2011 and the appeal was allowed acquitting all the appellants. This Writ petitioner is one among them and thereafter, one delinquent namely, Jawahar, has filed a Writ Petition in W.P.(MD)No.18501 of 2016, challenging the dismissal order. This Court, vide order, dated 16.12.2019, has passed an order and the relevant portion of the order is extracted below:

"10. For all the aforesid reasons, this Court is of the view that the impugned order denying the petitioner for full pay and allowances for the period between 26.08.2011 to 28.01.2016 cannot be sustained. Accordingly, the portion of the impugned order dated 05.05.2016 in sofar as it denies the benefits to the petitioner from respondent shall regularize the period from 26.08.2011 to 28.01.2016 as duty period and disburse all the consequential service and monetry benefits to the petitioner, which exercise shall be done atleast within a period of eight weeks from the date of receipt of a copy of this order.



11. With the above directions, this Writ Petition is allowed. No Costs. Consequently, connected miscellaneous petition is close."

5. Following an earlier order passed in the case of similarly placed persons under the same Crime Number, this Court is also allowing the Writ Petition.

6. The fourth respondent shall regularize the period from 26.08.2011 to 28.01.2016 as duty period and disburse all the consequential service and monetary benefits to the petitioner and the same shall be disbursed within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above terms, the Writ Petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note:

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 Chairman/Managing Directorate,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai- 600 002.
2. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai- 600 002.



3. The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Theni Electricity Distribution Circle,
Theni - 625 007.

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4. The Executive Engineer (Distribution),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Chinnamanur, Theni District.

+1 CC to M/s.T. SAKTHIKUMARAN, Advocate (SR-36155[F] dated
26/11/2021)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-36101[F] dated
26/11/2021)