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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.25120 of 2021

K.Sampath Kumar

...Petitioner

Vs.

1.The Chairman

Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer,

Chennai Region-South,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,

CEDC (South-I),
110/33 KVSS Complex,
K.K.Nagar, Chennai - 600 078.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents to consider the representation of the Petitioner dated 29.09.2021 and take appropriate steps to regularise the period of his suspension from 19.08.2009 to 04.10.2019 as duty with pay for all purposes and with all monetary and other consequential benefits in accordance with Ruling No.9 read with Rule 57(B) of the Tamil Nadu Electricity Board Service Regulations within a specified time frame as may be fixed by this Court.

For Petitioner : Mr.N.S.Amogh Simha

For Respondents : Mr.P.Subramanian
Standing Counsel



O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 29.09.2021 and to take appropriate steps to regularise the period of his suspension from 19.08.2009 to 04.10.2019 as duty with pay for all purposes and with all monetary and other consequential benefits in accordance with Ruling No.9 read with Rule 57(B) of the Tamil Nadu Electricity Board Service Regulations within a specified time frame as may be fixed by this Court.

2. According to the petitioner, while the petitioner was working as Commercial Inspector in the Kumananchavadi office of the respondents, a complaint was given by one A.Sasikumar before the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Special Investigation Cell, Chennai as against the petitioner for alleging that he has received an illegal gratification of Rs.3,000/- during the course of his official duty. On the same day, the First Information Report was lodged and the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Special Investigation Cell, Chennai has filed a charge sheet for the offences under Sections 7, 13(2) and 13(1) (d) of the Prevention of Corruption Act, 1988. While, pending the said criminal complaint, the petitioner was placed under suspension by the 3rd respondent by Memo No.015973/453/Adm 1/A4/F/DVAC-Sus/2009 dated 21.08.2009. Thereafter, the said case was assigned in Special Case No.8/2011 on the file of the learned Special Judge/Chief Judicial Magistrate, Tiruvallur. By the judgment dated 27.09.2021, the petitioner was acquitted from the aforesaid criminal case. Therefore, the petitioner made a representation dated 29.09.2021 to the 3rd respondent to regularise the suspension period with all consequential monetary benefits and other benefits from the date of suspension till date as per Ruling No.9 under Rule 57-B of the Tamil Nadu Electricity Board Service Regulations. But the 3rd respondent has not considered the said representation of the petitioner. Hence, he filed the instant writ petition before this Court.

3. The learned Standing Counsel appearing for the respondents would submit that the petitioner's representation dated 29.09.2021 would be considered by the authority concerned in accordance with the aforesaid regulations.

4. In the light of the above submissions made by the parties, this Court is inclined to direct the 3rd respondent to consider the petitioner's representation dated 29.09.2021 and pass appropriate orders in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.



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

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

dm

To

1. The Chairman
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+1cc to Mr.K.Gowtham Kumar, Advocate, Sr.No.26196

+1cc to the Government Pleader, Sr.No.25957

W.P.No.25120 of 2021

MT(CO)
RVM(05/05/2022)