



WEB COPY



W.P.No. 25488 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No. 25488 of 2022

K.Arivazhagan

..Petitioner

Vs.

1. The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution,
Corporation Ltd., (TANGEDCO)
144, Anna Salai, Chennai – 2.

2. The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
144, Anna Salai, Chennai -2.

3. The Chief Engineer,
Chennai Region-North,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
144, Anna Salai, Chennai -2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the third respondent to consider the representation dated 11.08.2022 of the petitioner as regards treating his period of absence from 11.08.2021 to 05.03.2019 as duty period with consequential monetary benefits in the light of Ruling 9 of Regulation 57-B of TNEB Service Regulations as has been directed in



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W.P.Nos.5141 of 2020, 10999 of 2020 and 25120 of 2021 within time frame.

For Petitioner : Mr. K.Ravi Anantha Padmanaban
For Respondents : Mr.P.Subramanian
Standing Counsel

ORDER

The prayer sought for herein is for a writ of mandamus directing the third respondent to consider the representation dated 11.08.2022 of the petitioner as regards treating his period of absence from 11.08.2011 to 05.03.2019 as duty period with consequential monetary benefits in the light of Ruling 9 of Regulation 57-B of TNEB Service Regulations as has been directed in W.P.Nos.5141 of 2020, 10999 of 2020 and 25120 of 2021 within time frame.

2. The petitioner has been working as Assistant Executive Engineer at the respondent Organization viz., TANGEDCO. Due to DVAC case dated 11.08.2011, the petitioner was placed under suspension and he had been in prolonged suspension, thereafter, only in the year 2019 his suspension was revoked by the Authority concerned, pursuant to which, he joined duty again on 06.03.2019.



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3. Thereafter, on 29.07.2022 the criminal case filed against the petitioner was ended in acquittal in favour of the petitioner, since the very suspension itself has been made only because of the criminal case that was pending against the petitioner, which ended in an acquittal, now the petitioner has made a representation to the respondents TANGEDCO on 11.08.2022 to treat the period of suspension from 2011 to 2019 as a duty period under the relevant Rule of TNEB Regulations viz., 57(B) Ruling (9) and the said representation since has not been considered, he has approached this Court by filing the present writ petition.

4. Heard Mr.K.Ravi Anantha Padmanaban, learned counsel appearing for the petitioner, who having reiterated the same would seek indulgence of this Court to give a direction to the respondents.

5. Heard Mr.P.Subramanian, learned Standing Counsel appearing for the respondents, who would submit that, the criminal case, which was pending against the petitioner all along was disposed of on 29.07.2022 and only thereafter, the present representation since has been given, it would be considered by the respondents TANGEDCO under the relevant



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Rule or Regulations of the TNEB Rules and accordingly, the same would be considered and orders would be passed by the respondents within a time frame that may be stipulated by this Court.

6. Considering the limited scope of the prayer sought for in this writ petition and having regard to the said submission made by the learned counsel appearing for both sides especially the learned Standing Counsel appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the third respondent to consider the representation of the petitioner dated 11.08.2022 and pass orders thereon on merits and in accordance with law especially in the context of the acquittal registered by the petitioner in the criminal case on 29.07.2022 and on the basis of the relevant Regulation viz., 57(B) Ruling (9) and other relevant provisions of the service regulation governing the service conditions of the petitioner and pass orders thereon within a period of twelve(12) weeks from the date of receipt of a copy of this order.



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22.09.2022

Index : Yes/No

mp

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R.SURESH KUMAR, J.

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