



W.P.(MD)No.12534 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.12534 of 2018

and

W.M.P(MD)No.11402 of 2018

V.Murugan

... Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO Limited,
Madurai Electricity,
Distribution Circle/Metro,
Madurai – 625 007.

2. The Superintending Engineer,
Ramanathapuram Electricity,
Distribution Circle,
Ramanathapuram-623503.

... 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 order in Ku.No.May.Po/Mamipava/pena/mathu/niA/ni pi2/oo4/Ko.Kattu/ A.No. 231/18 dated 03.05.2018 on the file of the 1st respondent and quash the same as illegal and consequently directing the Respondents to



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provide annual increment and new scale of pay to the petitioner by treating the period from 21.04.2010 to 22.02.2016 during which the petitioner was kept under suspension as duty period in light of Ruling 9 read with Rule 57B of the TNEB Service Regulations.

For Petitioner : Mr.I.Pinaygash

For Respondents : M/s.M.Rajeswari, for
M/s.M.Parameswari,
Standing Counsel

ORDER

This Writ Petition has been filed to quash the impugned order in Ku.No.May.Po/Mamipava/ pena /mathu/niA/nipi2/oo4/Ko.Kattu/A.No.231/18, dated 03.05.2018 on the file of the 1st respondent and also seeking consequential direction to the Respondents to provide annual increment and new scale of pay to the petitioner by treating the period from 21.04.2010 to 22.02.2016 during which the petitioner was kept under suspension as duty period in the light of the Rules 9 read with 57B of the Tamil Nadu Electricity Board Service Regulations.

2. Heard Mr.I.Pinaygash, learned counsel appearing for the petitioner and M/s.M.Rajeswari, for M/s.M.Parameswari, learned Standing



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Counsel appearing for the respondents. Perused the material documents available on record.

3. It is seen from the records that this writ petition is filed to regularize the suspension period from 21.04.2010 to 22.02.2016. The impugned order declined to regularize the said suspension period. The enquiry proceedings which was initiated was challenged in W.P(MD)No.3757 of 2016 and the same was allowed, vide order of this Court, dated 16.11.2022 and the said charge memo was quashed. The criminal proceedings initiated by the respondents was ended in acquittal, vide Judgment, dated 02.06.2015. As on date, neither the criminal proceedings nor departmental proceedings is pending against the petitioner and both were ended in acquittal/quashed.

4. Considering the fact that, there is no proceedings pending against the petitioner, the impugned order is liable to be quashed. The petitioner is still in service.



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5. Accordingly, the respondents are directed to regularize the suspension period i.e., 21.04.2010 to 22.02.2016, as duty period and consequential benefits shall be granted to the petitioner, in the light of the Rules 9 read with 57B of the Tamil Nadu Electricity Board Service Regulations. The said exercise shall be completed, within a period of 12 weeks from the date of receipt of a copy of the order.

6. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.12534 of 2018**

20.12.2022