



W.P.No.9112 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9112 of 2017

P.Delhidurai

... Petitioner

Vs.

1. The Nuclear Power Corporation of India Ltd.,
rep. by its Chairman-cum-Mg. Director,
Third Floor, NUB Mumbai 400 094.

2. The Nuclear Power Corporation of India Ltd.,
rep. by its Director (HR),
12th Floor, Vikram Sarabhai Bhawan,
Anusakthi Nagar,
Mumbai-400 094.

3. The Station Director,
Madras Atomic Power Station,
Kalpakkam 603 102.

4. The Head (HR),
Madras Atomic Power Station,
Kalpakkam 603 102.

5. D.Thanasekaran

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of **Certiorarified Mandamus** to call for the records relating to the order bearing No.NPCIL/HR-DC/4(25)/2015/38 dated 19.03.2015 of the first respondent and confirmed by the second respondent in proceedings bearing No.NPCIL/HR-DC/4(25)/2016/275 dated 09.09.2016 and quash the orders passed therein and consequently direct the respondents 1 to 4 settle the petitioner's terminal benefits viz. loss of salary in respect of his on-duty days, LTC claim and other admissible settlement benefits due to him with reasonable interest.

For Petitioner : Mr.Yogesh Kannadasan

For Respondents : Mr.V.Vijay shankar

ORDER

This writ petition has been filed, challenging the order bearing No.NPCIL/HR-DC/4(25)/2015/38 dated 19.03.2015 passed by the first respondent and confirmed by the second respondent in proceedings bearing No.NPCIL/HR-DC/4(25)/2016/275 dated 09.09.2016 and seeking a direction to respondents 1 to 4 to settle the petitioner's terminal benefits viz., loss of salary in respect of his on-duty days, LTC claim and other admissible settlement benefits due to him with reasonable interest.



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2. The case of the petitioner is that he had joined the services of Madras Atomic Power Station, Department of Atomic Energy in the year 1975 as Technician and promoted as Scientific Officer in the year 1982. While so, the petitioner was issued with a charge memo dated 14.05.2013 by the first respondent levelling first charge to the effect that he had availed LTC facility by suppressing the fact of employment of his two sons and the second charge to the effect that he abstained himself from taking appropriate permission from the third respondent for pursuing PG course and the third charge to the effect that he absented himself to the tune of 48 days, which include 11 days when he had attended classes in Sathyabama University, without obtaining proper permission. Thereafter, the petitioner submitted a reply dated 17.06.2013 to the charge memo dated 14.05.2013, wherein he had submitted the particulars of similarly placed employees, who had availed LTC facilities for their privately employed respective dependents. Thereafter, he attained superannuation on 31.05.2014. Subsequently, the first respondent has issued an impugned order dated 19.03.2015 imposing penalty of reduction of pay by one stage/increment and further penalty of



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treating 48 on-duty as 'dies-non' and recovery of LTC claim with penal interest. Therefore, the petitioner made a representation dated 09.11.2016 to the Chairman, Atomic Energy Commission and Secretary, Department of Atomic Energy, for which, he had received a reply dated 06.03.2017 directing him to file an appeal once again before the Board of Directors.

3. Learned Counsel for the petitioner, after some arguments would submit that the petitioner may be permitted to file an appeal and the same may be directed to be considered by the respondents, within a time frame to be fixed by this Court, on merits.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court hereby permits the petitioner to file an appeal within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal to be filed by the petitioner, the respondents are directed to consider and dispose of such appeal, on merits and in accordance with law, within a



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period of six weeks thereafter, after affording due opportunity of personal hearing to the petitioner.

This writ petition is disposed of. No costs.

19.12.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

To

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V.BHAVANI SUBBAROYAN, J.



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