



W.P.(MD).No.17455 of 2023

WEB COPY

,BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17455 of 2023

S.Thiagarajan

... Petitioner

Vs.

1.The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Salai,
Chennai.

2.The Superintending Engineer,
Trichy Electricity Distribution Circle/Metro,
Trichy-621 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, directing the respondent to take necessary action regarding the petitioner representation dated on 06.01.2023 judiciously and drop further action on the charge memo based on the judicial decision and re-instate the petitioner in service forthwith as ordered by this Court.

For Petitioner : M/s.V.Jeyarani

For Respondents : M/s.M.Parameshwari
Standing Counsel



W.P.(MD).No.17455 of 2023

WEB COPY

ORDER

The present writ petition has been filed seeking direction to the respondent to take necessary action regarding the petitioner representation dated on 06.01.2023 judiciously and drop further action on the charge memo based on the judicial decision and re-instate the petitioner in service forthwith as ordered by this Court.

2. The petitioner is currently under suspension. He was a Assistant Engineer at Trichy in TANGEDCO, O & M and he was suspended by the order passed by the Superintending Engineer by his order, dated 20.06.2019 on allegations of demanding bribe of Rs.10,000/- for two electricity connections. As a result of which, on 19.06.2019, he was arrested by the Vigilance and Anti-corruption and a criminal case came to be registered in Crime No.7 of 2019. Thereafter, the same has been taken up to the file of the Special Court (Prevention of Corruption Act, 1988), Trichirappalli and the matter is charge sheeted in Special Case No.3 of 2020 and the trial has commenced. The petitioner has forwarded many representations to the Chief Engineer seeking to reinstate him. But, none of the representations were considered. The petitioner



W.P.(MD).No.17455 of 2023

lastly made a representation on 06.01.2023 to take necessary action in reinstating the petitioner at the earliest following the orders of this Court in W.P(MD)Nos.21163 of 2017 and batch. However, the said representation is also not considered. Hence, this writ petition came to be filed.

3. The learned Standing Counsel for the respondents submitted that only because of the fact that No Objection Certificate has to be obtained from the Director of Vigilance and Anti-corruption, the exercise of considering the representation of the petitioner for reinstatement is getting delayed. However, it will be done in the due course of time.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



W.P.(MD).No.17455 of 2023

WEB COPY

5. Taking into consideration the submission made by the learned Standing Counsel, this Court is inclined to direct the respondents to take necessary action to consider the representation of the petitioner, dated 06.01.2023 and reinstate the petitioner in service within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above said observations, this Writ Petition stands allowed.

No costs.

20.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
gbg

To

1.The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Salai,
Chennai.

2.The Superintending Engineer,
Trichy Electricity Distribution Circle/Metro,
Trichy-621 020.



WEB COPY



W.P.(MD).No.17455 of 2023

L.VICTORIA GOWRI, J.

gbg

W.P.(MD).No.17455 of 2023

20.07.2023