



W.P.(MD).No.20187 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20187 of 2023

V.Kumar

... Petitioner

Vs.

- 1.Tamil Nadu Generation of Electricity
and distribution (TANGEDCO),
Represented by its Chairman,
No.144, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Salai,
Chennai-600 002.
- 3.The Chief Engineer (Distribution),
Trichy Region,
TANGEDCO,
Thennur,
Trichy-620 017.
- 4.The Superintending Engineer (Distribution),
Pudukkottai Distribution Circle,
TANGEDCO,
Pudukkottai,
Pudukkottai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 07.08.2023 to reinstate the petitioner to service in the minimum time scale for a period of 3 years without back wages in the light of the 1st respondent's proceedings in B.P.(F.B) No.27 (Administrative Branch), dated 07.11.2002 and the Judgment of this Hon'ble Court in W.P.(MD) No.13474 of 2013 dated 18.11.2021 within the period that may be stipulated by this Court.

For Petitioner : Mr.G.Balamahendran

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

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation, dated 07.08.2023 to reinstate the petitioner to service in the minimum time scale for a period of 3 years without back wages in the light of the 1st respondent's proceedings in B.P. (F.B) No.27 (Administrative Branch), dated 07.11.2002 and the Judgment of this Hon'ble Court in W.P.(MD) No.13474 of 2013 dated 18.11.2021 within the period that may be stipulated by this Court.



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2. The petitioner joined the 4th respondent office on 19.06.1989 and worked up to 30.04.1995. He was given with certificate of identification by Assistant Engineer, Construction, Tamil Nadu Electricity Board, Kandharvakottai and by the Line Inspector, Office of the Assistant Engineer, TNEB, Kandharvakottai. On the basis of the said identification, the petitioner was appointed as a Helper and was placed on promotion. Finally, the 3rd respondent declared the completion of probation by his proceedings, dated 17.02.1998. Further, the petitioner was transferred from the 3rd respondent Distribution Circle to the 4th respondent Distribution Circle. While so, on the basis of the complaint questioning the genuineness of the certificates produced by the petitioner, without considering the petitioner's explanation, the 4th respondent removed the petitioner from service. Aggrieved by the said order of removal from service, dated 22.12.2004, the petitioner made a representation on 07.08.2023 seeking to reinstate him in service. Since the same was not considered, this writ petition came to be filed.

3. 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



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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.

4. Without going into the merits of the case, this Court directs the respondents to consider the representation of the petitioner, dated 07.08.2023 and pass appropriate orders in accordance with law.

5. Accordingly, this Writ Petition stands disposed of. No costs.

18.08.2023

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

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L.VICTORIA GOWRI, J.

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