



W.P.(MD).No.21436 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21436 of 2023

G.Dhanakodi

... Petitioner

Vs.

- 1.The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai, Chennai-600 002.
- 2.The Chief Engineer (Personal),
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai, Chennai-600 002.
- 3.The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Thanjavur Electricity Distribution Circle,
Thanjavur District, Thanjavur.
- 4.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Thanjavur Electricity Distribution Circle,
Thanjavur District, Thanjavur.



W.P.(MD).No.21436 of 2023

5. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Thanjavur Electricity Distribution Circle,
Thanjavur.

... Respondents

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 reinstate the petitioner in service by reviewing the order of suspension passed by the third respondent in his proceedings Memo No:002727/0130/Adm.5/A.S/A.1/F.DOC/2021, dated 25.03.2021, on the basis of petitioner's representation, dated 29.05.2023 and 01.08.2023, as per the law.

For Petitioner : Mr.D.Baskar

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

ORDER

The present writ petition has been filed seeking direction to the respondents to reinstate the petitioner in service by reviewing the order of suspension passed by the third respondent in his proceedings Memo No: 002727/0130/Adm.5/A.S/ A.1/F.DOC/2021, dated 25.03.2021, on the basis of petitioner's representation, dated 29.05.2023 and 01.08.2023, as per the law.



W.P.(MD).No.21436 of 2023

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as a Helper (Trainee) at Veeramarasanpettai on 19.03.2009. Thereafter, he was promoted as Technical Assistant on 17.02.2014 and then as Assistant Engineer on 13.02.2017. He was further transferred as Assistant Engineer from Orathanadu to Thanjavur on 22.03.2017 and further transferred to Peravurani on 03.04.2019. On 10.08.2020, he was transferred to Veeramarasanpettai, Thanjavur. In the meanwhile, he was implicated in a criminal case in Crime No.8 of 2021 which culminated in the filing of final report in Special C.C.No.6 of 2022 on the file of the Chief Judicial Magistrate, Kumbakonam. In connection to the aforesaid case the petitioner was remanded judicial custody and thereafter, released in bail. As a result of which, an order of suspension came to be passed by the third respondent on 25.03.2021. The petitioner made a representation to the third respondent on 29.05.2023 seeking to revoke the suspension. A further representation was made on 01.08.2023 as a remainder to the earlier suspension. However, the same was not considered. Hence, this writ petition came to be filed.



W.P.(MD).No.21436 of 2023

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 respondents 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. Without going into the merits of this case, this Court hereby direct the respondents to consider the representations of the petitioner, dated 29.05.2023 and 01.08.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order and further directed to revoke the suspension and reinstate the petitioner in a non-sensitive post.

6. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

01.09.2023



W.P.(MD).No.21436 of 2022

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

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W.P.(MD).No.21436 of 2023

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.21436 of 2023

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