



W.P.(MD).No.22565 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22565 of 2023

B.Maheswari

... Petitioner

Vs

1. The Chief Engineer/distribution, TANGEDCO,
K.Pudur, Madurai - 7.
2. The Superintending Engineer,
TANGEDCO, Ramanathapuram Distribution Circle,
Ramanathapuram District.
3. The Superintending Engineer,
TANGEDCO, Theni Distribution Circle,
Theni District.
4. The Executive Engineer,
TANGEDCO, Ramanathapuram Distribution Circle,
Ramanathapuram District.
5. The Executive Engineer,
TANGEDCO, Chinnamanur Distribution Circle,
Chinnamanur, Theni District.

... Respondents



W.P.(MD).No.22565 of 2023

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 regularize the period of punishment of Compulsory retirement i.e., between 17.09.2002 and 08.01.2003 (114 days) and consequently to direct the respondents to revise the pay of the petitioner for the period between ie., 23.05.2000 and 31.05.2016 and disburse the same as arrears of salary to the petitioner within the period that may be stipulated by this Court.

For Petitioner : Mr.S. Mohamed Suhail
for Ajmal Associates

For Respondent : Ms.M.Parameswari
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents to regularize the period of punishment of Compulsory retirement i.e., between 17.09.2002 and 08.01.2003 (114 days) and consequently to direct the respondents to revise the pay of the petitioner for the period between ie., 23.05.2000 and 31.05.2016 and disburse the same as arrears of salary to the petitioner within the period that may be stipulated by this Court.



W.P.(MD).No.22565 of 2023

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

3.Heard, Mr.S. Mohamed Suhail, learned counsel appearing for the petitioner and Ms.M.Parameswari, learned Standing Counsel appearing for the respondent. Perused the materials on record.

4.(i).The petitioner was appointed as Assessor on 11.11.1987 at Periyakulam, Theni Distribution Circle. While he was in service, he was placed under suspension on 23.05.2000, following which, a charge memo was issued and disciplinary proceedings also initiated against him. As a result of which, the second respondent imposed a punishment of compulsory retirement on 17.09.2002.

(ii).Aggrieved by the same, the petitioner preferred an appeal and the punishment was modified and he was reinstated in service on 08.01.2003. In view of the same, the period of compulsory retirement between 17.09.2002 and 08.01.2003, i.e., period of 114 days has to be treated as duty period and the same has to be regularized, for which, the petitioner made several representations to the respondents. Last of those representations, dated



W.P.(MD).No.22565 of 2023

06.01.2023 sent by the petitioner, though forwarded by the fifth respondent to the third respondent, nothing evolved positively.

5. 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 a 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.

6. Without going into the merits of this case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 06.01.2023, which was forwarded by the fifth respondent to the third respondent 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.



W.P.(MD).No.22565 of 2023

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7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

15.09.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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W.P.(MD).No.22565 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.22565 of 2023

15.09.2023