



WEB COPY



W.P.No.13408 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.13408 of 2020

K.Sumathi

Vs.

Petitioner

1. The Chairman and Managing Director,
TANGEDCO & TANTRANSCO,
Chennai - 600 002.
2. The Chief Engineer / Personnel,
TANGEDCO & TANTRANSCO,
Administrative Branch,
No.144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer,
North Chennai Thermal Power Station Stage - 1,
Chennai - 600 120.
4. The Superintending Engineer,
Purchase and Administration,
North Chennai Thermal Power Station Stage - 1,
Chennai 600 120.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondents to regularise the period of suspension from 02.11.2017 upto 20.07.2018 as duty for all



W.P.No.13408 of 2020

purposes and to pay full salary and allowances thereof and consequently grant the petitioner benefits of wage revision and special increment for 60 years commemoration with all attendant benefits.

For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.David Sundar Singh,
Standing Counsel for TNEB

ORDER

The petitioner has filed this Writ petition seeking to issue a Writ of Mandamus directing the respondents to regularise the period of suspension between 02.11.2017 to 20.07.2018 as duty period.

2. Earlier the petitioner has filed a Writ Petition challenging the Order of Suspension in W.P.No.29511 of 2017. During the pendency of the same, the suspension of the petitioner was revoked and she was allowed to join service. Consequently, an order has been passed in the Writ petition, directing the petitioner to make a representation to the 4th respondent herein viz., the Superintending Engineer, Purchase and Administration, Chennai by requesting them to regularise the period of suspension and release the salary and other benefits for the said period.



W.P.No.13408 of 2020

The respondent Authorities have also been directed to take into consideration of over all facts and circumstances along with the representation made by the petitioner and pass appropriate orders within a period of three weeks.

3. The learned counsel for the petitioner submitted that in accordance with the earlier order passed in W.P.No.29511 of 2017, dated 20.07.2018, the petitioner has made a representation on 06.08.2018. Even though a direction has been issued by this Court to consider the representation of the petitioner within a period of three weeks from the date of receipt of the representation, so far the respondents did not pass any orders.

4. The petitioner has filed the present Writ Petition seeking a direction to the respondents to pass orders, directing the respondents to regularise the period of suspension between 02.11.2017 to 20.07.2018 as duty period. The petitioner had not chosen to file any contempt petition even though the respondent Authorities did not obey the orders of this



W.P.No.13408 of 2020

Court. However, in the present Writ petition, the petitioner has made specific prayer in respect of the period of suspension.

5. In these circumstances, it is worthwhile to mention that even when the earlier orders were passed in the Writ Petition W.P.No.29511 of 2017, there was no charge memo or disciplinary proceedings pending against the petitioner. Hence, this Court has rightly passed an order to consider the representation of the petitioner with regard to the period of suspension and pass appropriate orders. Unless the respondent Authorities pass any orders in respect of regularization of the period of suspension in one way or other, the merits of the orders or the entitlement of the petitioner with regard to the period of suspension cannot be known to her.

6. In view of the above, once again this Court directs the respondents to consider the representation of the petitioner, dated 06.08.2018 and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. If the respondents failed to pass any orders on the



W.P.No.13408 of 2020

representation, the petitioner is entitled to initiate Contempt Proceeding against them.

7. With the above observation and direction, this Writ petition is disposed of. No costs.

03.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum

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