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Writ Petition No.26218 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26218 of 2024

R.Mukeshsanth
S/o.Rajan

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution
Corporation Ltd.,
represented by its
Chairman-cum-Managing Director,
NPKRR Maaligai, No.144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
NPKRR Maaligai, No.144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Udumalaipetai - 642 126.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Certiorarified Mandamus calling for the
records pertaining to the impugned order of third respondent Memo



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No.024035/970/SE/Udu/Ni.A/Admn.2/U.3/Ko.Thani/2020, dated 11.12.2020 and to quash the same for discharging the petitioner from service on the ground that he did not pass the second class language test in Tamil within a period of two years from the date of his appointment and consequently, to direct the respondents to reinstate him into service with effect from 11.12.2020 with all monetary and other consequential service benefits and to declare that he have successfully completed his probation with effect from 11.12.2020 and to regularize/confirm his services with effect from the date of his initial appointment and to grant him annual increments and selection grade with arrears.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 11.12.2020, discharging the petitioner from service and for a consequential direction to the respondents to reinstate the petitioner into service with all monetary and other benefits.

2. Heard Mr.V.Ajoy Khose, learned counsel for petitioner and Mr.K.Rajkumar, learned standing counsel appearing for respondents.



3. The petitioner was appointed by the first respondent on compassionate ground as a Junior Assistant through proceedings dated 03.12.2018. The petitioner was supposed to complete the language test in Tamil within a period of two years from the date of his appointment failing which the petitioner will be discharged from service.

4. The petitioner wrote language test during May'2019 and December'2019 and he was not able to get through. Thereafter, the pandemic has set in and therefore, the examination for May'2020 was not conducted. According to the petitioner, he met with an accident and therefore, he was on medical leave for the entire month of September'2020.

5. The next language test was conducted in February'2021 and the petitioner once again failed in that test. The petitioner was not able to appear in the language test that was conducted in December'2021.

6. In view of the above, the petitioner was not able to pass the language test in Tamil within a period of two years from the date of his appointment. Hence, a show cause notice came to be issued by the third



respondent. It ultimately resulted in the petitioner being discharged from service with effect from 11.12.2020 through proceedings of the third respondent dated 11.12.2020.

7. The further case of the petitioner is that the petitioner had subsequently passed the language test held on 11.06.2022. The petitioner also passed the viva-voce held during August'2022. In the light of the above development, the petitioner submitted a representation to respondents 1 and 2 requesting for reinstating the petitioner into service with all attendant and monetary benefits. Since the same was not considered, the present writ petition has been filed before this Court.

8. In the considered view of this Court, when the petitioner was appointed on compassionate ground, there was a condition precedent that the petitioner must complete the language test within two years from the date of appointment. This is in view of Regulation 91(3)(b) of Tamil Nadu Electricity Board Service Regulation. The petitioner was not able to clear the test during May'2019 and December'2019. For the entire year of 2020, the test was not able to be conducted due to the pandemic. Ultimately, the next test was conducted in February'2021 and the



petitioner was not able to clear that test also. The subsequent test was held in December'2021 and for personal reasons, the petitioner was not able to appear in that test. In view of the same, the petitioner was not able to complete the language test in Tamil within two years from the date of appointment. As a consequence, the third respondent, through proceedings dated 11.12.2020, discharged the petitioner from service.

9. It is seen from records that the petitioner has subsequently cleared the language test held on 11.06.2022 and also the viva-voce. In the light of this subsequent development, the petitioner has made representations to respondents 1 and 2 requesting for reinstatement into service.

10. It is true that the appointment order mandates clearing of the language test in Tamil within two years. During the entire year of 2020, the test was not able to be conducted. Out of the next two attempts in 2021, the petitioner failed in one attempt and the petitioner was not able to take the exams in the last attempt. Now that the petitioner has cleared the Tamil test, the request made by the petitioner seeking for reinstatement can be considered by respondents 1 and 2. It must be borne



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in mind that the petitioner was given appointment on compassionate ground.

11. In the light of the above discussion, this Court is inclined to dispose of this writ petition by directing respondents 1 and 2 to deal with the representation made by the petitioner on 17.05.2024 on its own merits and in accordance with law by considering the observations made in this writ petition. Final orders shall be passed within a period of six (6) weeks from the date of receipt of a copy of this order.

12. The petitioner is directed to make a fresh representation to respondents 1 and 2 along with all relevant documents and also a copy of this order.

This writ petition is disposed of with the above direction. No costs.

05.09.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm



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To

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N.ANAND VENKATESH, J

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