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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.29846 of 2024
and W.M.P.Nos.32539 & 32542 of 2024

A.Raj Thilak

... Petitioner

Vs.

- 1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Cuddalore District.
- 2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Operation and Maintenance (O&M)/Town,
Cuddalore District.
- 3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Operation and Maintenance (O&M)/Town,
Cuddalore District.
- 4.The Assistnat Engineer,
Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Operation and Maintenance (O&M)/Town,
Manjukuppam, Cuddalore District.

5.Tmt.Rajeswari

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records for the fourth respondent in her impugned order dated 18.6.2024 in Ku.AA.No.UMIPO EPa.Na.Maj,Ko.Kattu.A.No.61/2024 to quash the same and issue consequential directions to the fourth respondent to permit the petitioner to re-join the duty as Assessor at office of the fourth respondent and to disburse with all service and monetary benefits.

For Petitioner : Mr.A.M.Esakkiappan

For Respondents : Mr.P.Subramanian
Standing Counsel for R1 to R4

ORDER

This writ petition has been filed challenging the impugned proceedings of the 4th respondent dated 18.06.2024 and for a consequential direction to the 4th respondent to permit the petitioner to rejoin duty as Assessor in the office of the 4th respondent and to extend all the service and monetary benefits to the petitioner.

2.Heard Mr.A.M.Esakkiappan, learned counsel appearing on behalf of the petitioner and Mr.P.Subramanian, learned Standing Counsel appearing on behalf of respondents 1 to 4.



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3.The case of the petitioner is that he was appointed as an Assessor on 19.10.2013. Thereafter, he was appointed as an Assessor-I in regular scale of pay on 14.05.2014. The petitioner due to ill health was taking medical treatment and based on his request, he was posted to the 4th respondent office on 07.08.2023. In the meantime, the petitioner married one Kavipriya in the year 2020 and there was some matrimonial dispute between the said Kavipriya and the petitioner.

4.The wife of the petitioner seems to have given a complaint against the petitioner and his family members which resulted in the registration of an FIR in Crime No.23 of 2024. The petitioner and his family members apprehending arrest, filed anticipatory bail petition before the Principal District and Sessions Court, Cuddalore and anticipatory bail was granted by an order dated 14.06.2024.

5.The petitioner had applied for leave from 07.06.2024 to 13.06.2024 and he wanted to rejoin duty on 18.06.2024 along with medical certificate.



However, the 4th respondent refused to permit the petitioner to rejoin and directed the petitioner to get the clearance certificate.

6.The petitioner thereafter appeared before the Medical Board, Cuddalore and obtained Fitness Certificate in order to rejoin duty. The said certificate was also produced before the 4th respondent. The grievance of the petitioner is that the 4th respondent in spite of receipt of the same, was not permitting the petitioner to rejoin duty. A representation was made in this regard to the 1st respondent and the same did not evoke any response. It is under these circumstances, the present writ petition came to be filed before this Court.

7.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has already obtained a Fitness Certificate from the Medical Board and it has also been submitted before the 4th respondent, there is no reason to keep the petitioner away from work. In view of the same, there shall be a direction to the 4th respondent to act upon the representation made by the petitioner on 20.09.2024 and permit the petitioner to rejoin duty, within a period of one week from the date of receipt of copy of this order.



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8.This writ petition is disposed of with the above directions. No Costs.

Consequently, connected miscellaneous petitions are closed.

04.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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N. ANAND VENKATESH, J.

SSR

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