



WEB COPY



W.A.No.373 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.A.No.373 of 2021
and
C.M.P.No.1477 of 2021

S.K.Selvaraj

Vs.

... Appellant

1.Tamil Nadu Electricity Board,
Represented by its Chairman,
800, Anna Salai,
Chennai – 600 102.

2.The Chief Engineer/Distribution
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai – 600 00.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying to set aside the order dated 07.08.2012 made in W.P.No.33288 of 2002 and consequently record the order of the 1st respondent dated 28.10.2002 bearing Per.B.P.(Ch).No.244.

For Appellant : Mr.Balan Haridas

For Respondents : Mr.K.Rajkumar



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JUDGMENT

WEB COPY(Judgment of the Court was delivered by R.SURESH KUMAR, J.)

This writ appeal has been directed against the order passed by the writ Court dated 07.08.2012 made in W.P.No.33288 of 2002.

2. That against the appellant who was working as an Assistant Administrative Officer of the TANGEDCO a disciplinary proceeding was initiated which ended in a punishment of censure. During the disciplinary proceedings he was under suspension between 26.06.1998 and 02.03.1999.

3. Subsequent to the completion of the disciplinary proceedings ended with the punishment of censure, the period of suspension was sought to be regularised as a duty period, however that was rejected by the order dated 07.07.2000 as the said period was treated only as leave period. As against the said order dated 07.07.2000, the said writ petition was filed in the year 2002 and the said writ petition came to be decided on 07.08.2012 on merits, where the learned Judge rejected the said writ petition and passed the order impugned dated 07.08.2012, as against which, though this writ appeal has been filed, even at the time of filing



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the writ appeal, the appellant has brought to the notice of this Court the proceedings subsequently issued by the respondent TANGEDCO dated 28.10.2002, where the plea raised by the petitioner was considered and the suspension period was treated as duty period. The relevant portion of the order dated 28.10.2002 reads thus:

“2.His appeal petition has been carefully examined with connected records by the Chairman and taking a lenient view to condone the delay in preferring the appeal in the first instance. Secondly the punishment of “Censure” has led to unintentional huge monetary loss to the individual by way of treatment of period of suspension. In this case the entire culpability lies with the wireman and the Assistant Administrative Officer need not have been placed under suspension. Hence the Chairman finds merit in his representation and hence set aside the punishment and let him off with a warning. Consequent on this, the period of suspension from 26.6.98 to 2.3.99 shall be treated as duty.”

4. Heard Mr.Balan Haridas, learned counsel appearing for the appellant and Mr.K.Rajkumar, learned Standing Counsel appearing for the respondents.

5. The learned Standing Counsel appearing for the respondent TANGEDCO has submitted that, mistakenly this development has not



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been brought to the notice of the learned Judge who disposed the writ petition in 2012, had it been informed to the learned Judge, the writ petition would have been disposed of accordingly.

6. In view of the aforestated development, where on 28.10.2002 itself the respondent TANGEDCO passed an order by accepting the plea of the petitioner to treat the suspension period as duty period, the prayer sought for by the writ petitioner/appellant in the said writ petition itself since has been accomplished, no further adjudication is required in this writ appeal. Accordingly by recording the aforesaid development, this writ appeal is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.K., J.]

[K.B., J.]

12.01.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

Sgl



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To

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- 1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai – 600 102.

- 2.The Chief Engineer/Distribution
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai – 600 00.



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R. SURESH KUMAR, J.
and
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