



WP(MD) No.7849 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.7849 of 2023

and

W.M.P(MD)No.7270 of 2023

V.Jayasuriyan

... Petitioner

Vs.

1. The Chief Engineer (Distribution),

O/o. Tamil Nadu Generation and Distribution Corporation

(TANGEDCO)

Trichy Division,

Trichy.

2.The Superintending Engineer

O/o. Tamil Nadu Generation and Distribution Corporation

(TANGEDCO), Thanjavur Division,

No. 1, Vallam Road

Thanjavur,

Thanjavur District.



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3.The Executive Engineer

O/o. Tamil Nadu Generation and Distribution Corporation
(TANGEDCO)
Pattukottai,
Thanjavur District.

4.The Assistant Executive Engineer,

Operation and Maintenance,
O/o. Tamil Nadu Generation and Distribution Corporation
(TANGEDCO)
Peravurani,
Thanjavur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by 1st respondent Chief Engineer in Memo.No. 007647/392/Ni.Pi.Ee/O.1/2021 dated 06.02.2021 and the consequential proceedings issued by the 2nd respondent in Ka.No. 241/Ni.Pi.1/Ni.O.2/Ni.O.Mi.Po/2022 dated 11.04.2022, quash the



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same and further directing the respondents herein to sanction and disburse forthwith the allowance for discharging the duties as additional charge as Assistant Engineer at Operations and Maintenance, Rural Peravurani section, Thanjavur District from 06.09.2013 to 30.04.2018 (1539 days).

For Petitioner : Mr.T.Cibi Chakraborty

For Respondents : Mr.B.Ramanathan

Standing Counsel

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by first respondent Chief Engineer in Memo.No. 007647/392/Ni.Pi.Ee/O.1/2021 dated 06.02.2021 and the consequential proceedings issued by the second respondent in Ka.No.241/Ni.Pi.1/Ni.O.2/Ni.O.Mi.Po/2022 dated 11.04.2022, quash the same and further, direct the respondents herein to



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sanction and disburse forthwith the allowance for discharging the duties as additional charge as Assistant Engineer at Operations and Maintenance, Rural Peravurani section, Thanjavur District from 06.09.2013 to 30.04.2018 (1539 days).

2. Heard Mr.T.Cibi Chakraborty, learned counsel for the petitioner and Mr.B.Ramanathan, learned Standing Counsel appearing for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner was initially appointed as Technical Assistant Grade-II at Tiruvannamalai on 27.10.1986. While the petitioner was serving as a Junior Engineer Grade-I at Perumagalur/ O&M Section, he was placed in additional charge for the post of Assistant Engineer at O& M (Operation and Maintenance) Rural Peravurani Section vide proceedings of the Chief Engineer in Memo.No. 06153/458/Ni.Pi.Ee/O.1/2014 dated 23.04.2014, w.e.f. 06.09.2013.



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4. He further submitted that the petitioner retired from service on 30.04.2018. Despite the petitioner sent a proposal for seeking additional allowance for the period when he held the additional charge of Assistant Engineer, a reply has been sent on 11.04.2022 by the second respondent stating that his proposal cannot be considered because, it has reached the office of the Superintendent Engineer from the fourth respondent Executive Engineer after a lapse of 90 days from the date of reliving of additional charge.

5. The petitioner cannot be penalized for the inaction on the part of some other officers who might caused the delay in forwarding the proposal to the Superintendent Engineer. The impugned order does not state anything about the entitlement of the petitioner to get additional charge allowance.

6. Since the impugned order has been passed on



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technical grounds of delay and the petitioner is no way responsible for the delay, the impugned order dated 06.02.2021 and 11.04.2022 are required to be set aside.

7. Hence, the writ petition is **allowed** and the impugned orders dated 06.02.2021 and 11.04.2022 issued by the respondents are set aside and the respondents 1 and 2 are directed to consider the claim of the petitioner for sanctioning the eligible additional charge allowance for the petitioner and pass orders in this regard within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

16.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.7849 of 2023

Dated:
16.04.2024