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W.P.(MD) No.21795 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.21795 of 2021

V.Balasubramanian

... Petitioner

-vs-

1.The Chief Engineer (Personnel)
Tamil Nadu Electricity Board
K.K.R.Maligai
Anna Salai
Chennai-600 001

2.The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai

3.The Commissioner
Madurai Corporation
Madurai
[R3 is *suo motu* impleaded vide
Court order dated 12.07.2023]

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to implement the orders of this Court dated 28.03.2014 in W.P.(MD) No.1898 of 2010 and based on the



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representation of the petitioner dated 29.05.2008, 10.06.2009 and 30.06.2021.

For Petitioner : Mr.Ramsundarvijayraj

For Respondents : Mr.S.Ramanathan
Standing Counsel for R1 & R2
Mr.K.K.Kannan
Standing Counsel for R3

ORDER

This writ petition has been filed for mandamus seeking for a direction to the respondents to implement the order of this Court, dated 28.03.2014 passed in W.P.(MD) No.1898 of 2010, based on the petitioner's representation dated 29.05.2008, 10.06.2009 and 30.06.2021.

2. A counter affidavit has been filed by the third respondent stating that the petitioner is not entitled for the reliefs sought for in his representations dated 29.05.2008, 10.06.2009 and 30.06.2021. They have also given reasons in the counter affidavit as to why the petitioner is not entitled for the reliefs sought for in his representations dated 29.05.2008, 10.06.2009 and 30.06.2021. However, admittedly, the order dated



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28.03.2014 passed by this Court in W.P.(MD) No.1898 of 2010, has not been implemented in its letter and spirit. In the said order, this Court had directed the first respondent to consider the petitioner's representations, dated 29.05.2008 and 10.06.2009, on merits and in accordance with law, after affording an opportunity to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. In the said order, it was made clear that an opportunity will have to be given to the petitioner to substantiate his case, before the first respondent passes final order on the petitioner's representations, dated 29.05.2008 and 10.06.2009. Admittedly, no final order has been passed on the petitioner's representations, dated 29.05.2008 and 10.06.2009, as directed by this Court in its order dated 28.03.2014 passed in W.P.(MD) No.1898 of 2010. Therefore, the order dated 28.03.2014, passed in W.P.(MD) No.1898 of 2010, has not been implemented by the first respondents in its letter and spirit. No prejudice will be caused to the first respondent in implementing the order of this Court dated 28.03.2014, passed in W.P.(MD) No.1898 of 2010, within a time frame to be fixed by this Court.

3. Learned counsel for the petitioner is also satisfied, if such a direction is issued by this Court.



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4. For the foregoing reasons, this Court directs the first respondent to implement the order, dated 28.03.2014, passed by this Court in W.P.(MD) No.1898 of 2010, in its letter and spirit, by granting an opportunity to the petitioner, based on his representations, dated 29.05.2008 and 10.06.2009, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

05.08.2024

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

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ABDUL QUDDHOSE, J.

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