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W.P.No.12815 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.12815 of 2012

G.Mahendramani

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board
No 144, Anna Salai, Chennai – 2.

2.The Chief Engineer, Personnel,
Tamil Nadu Electricity Generation and Distribution Corporation,
No.144, Anna Salai, Chennai – 600 002.

3.The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Electricity Generation and Distribution Corporation,
Salem.
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus calling for the records relating to the 3rd respondent's letter made in Ku.No.024029/Ni.Pi/Udavi/11-1 dated 29.12.2011 and proceedings bearing No.SE/SEDC/ADMIII/A.4/F.DKT/C.NO. 1141/2012 dated 13.02.2013 and quash the same in so far as denial of arrears (monetary benefits) is concerned



and consequently direct the respondents herein to disburse the arrears (monetary benefits) to the petitioner by regularizing his service from 12.06.2003 F.N. To 03.12.2010.

*Prayer amended as per order dated 19.12.2024 in W.M.P.No.5461 of 2022.

For Petitioner : Mr.P.Arumuga Rajan

For Respondents : Mr.C.Ram Kumar
Standing Counsel for TANGEDCO

ORDER

The brief facts that are relevant for disposal of this writ petition are as under:

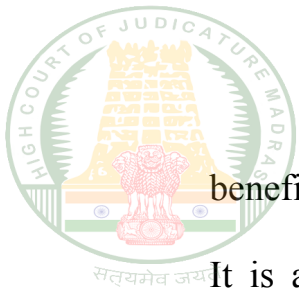
1.1. The petitioner who was initially appointed as Helper was subsequently promoted as Line Inspector in the Tamil Nadu Electricity Board Service. While the petitioner was working as Line Inspector, he was involved in a case under Section 7 of Prevention of Corruption Act vide Special Case No.01 of 2004, an offence alleged to have been committed on 12.06.2003. Accordingly, the petitioner was placed under suspension on 12.06.2003. It was thereafter, the petitioner was convicted in the said Special Case No.01 of 2004 by judgement dated 12.04.2007 under Sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act and sentenced to undergo rigorous imprisonment for a period of one year for each offence



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and to pay a fine of Rs.2,000/- for each offence. In view of the conviction, the petitioner was dismissed from service on 02.06.2007 by the 3rd respondent. It was thereafter, the petitioner filed an appeal against the said conviction vide Criminal Appeal No.404 of 2007, and the said criminal appeal was allowed by this Court by an order dated 20.04.2010.

1.2. It was thereafter, the petitioner submitted a representation seeking reinstatement into service consequent upon the acquittal in the criminal case. Complaining inaction in considering the said representation, the petitioner approached this Court by filing W.P.No.17196 of 2010, and this Court, by an order dated 03.08.2010, directed the respondents to consider the said representation submitted by the petitioner. It was thereafter, the case of the petitioner was considered and accordingly, the petitioner was reinstated into service as Line Inspector by an order dated 03.12.2010. It was thereafter, the petitioner submitted repeated representations requesting for regularization of the suspension period as well as the period during which he was dismissed from service. On considering the said representations, the 3rd respondent passed an order dated 29.12.2011 promoting the petitioner to the post of Foreman Grade I and granted fixation of pay in the post of Foreman Grade I from 30.12.2006 declaring that the petitioner is entitled for monetary



benefits only from the date on which he joined the post of Foreman Grade I.

It is aggrieved by the said order dated 29.12.2011, the petitioner initially approached this Court by filing the present writ petition.

1.3. During the pendency of the present writ petition, the 3rd respondent, through proceedings, dated 17.04.2012 regularized the period of suspension from 12.06.2003 to 05.04.2004 as duty period and through another proceedings dated 25.04.2012, the period of suspension as well as the period of dismissal from service was regularized as duty period and consequently, the monetary benefits was granted only for the period of suspension, but no monetary benefits were granted for the period of dismissal from service i.e., 06.06.2007 to 04.12.2010. Thus, the left over grievance of the petitioner is only in respect of non-fixation of pay for the dismissal period and also non-payment of monetary benefits. Under those circumstances, the petitioner filed an application seeking amendment of prayer and accordingly, this Court allowed the amendment petition by an order dated 19.12.2024.

2. The respondents filed a counter affidavit mainly on the ground that the amendment that is sought by the petitioner seeking to question the proceedings dated 29.12.2011 and 13.02.2013 is belated and as such the same



is liable to be rejected on the ground of laches. Except the ground of delay, there is no other contest for the amended prayer sought by the petitioner.

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3. Admittedly, both the proceedings which are sought to be questioned in the amendment were issued by the respondents during the pendency of the present writ petition. In the present writ petition, under the original relief itself, the petitioner has sought for all the benefits, including fixation of pay and payment of monetary benefits for the suspension period as well as for the period of dismissal. The effect of amendment is only challenging the proceedings through which partial relief was granted in favour of the petitioner. Therefore, this Court is of the considered view that the objection raised by the learned counsel for the respondents on the ground of delay, cannot be sustained.

4. Then, coming to the relief sought by the petitioner for fixation of pay and payment of monetary benefits for the period of dismissal is concerned, the same is directly governed by the Rulings contained in the relevant Regulations governing the subject matter. Regulations 57A & 57B of Tamil Nadu Electricity Board Service Regulations deal with the situation



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of regularization, fixation of pay, payment of monetary benefits, etc., in the case of suspension/dismissal/removal of an employee from service and who has been reinstated consequent upon an order passed in the appeal/review and also in the case of acquittal from the criminal case etc. Ruling 9 of the Rulings issued under Regulation 57, 57A& 57-B of the Tamil Nadu Electricity Board Service Regulations reads as under:

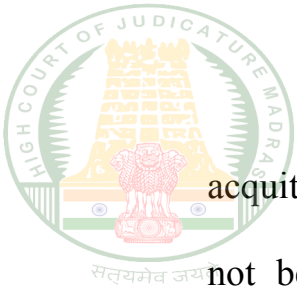
“9. Where a Board employee is -

(a) Placed under suspension in view of the fact that a complaint against him of any criminal offence is under investigation or trial; or

(b) dismissed or removed from service or compulsorily retired on the ground of conduct which has led to his conviction on a criminal charge and-

- the Board employee is subsequently reinstated in service on his acquittal by the Court either on merits or on the ground that the charge has not been proved against him or by giving benefit of doubt or on any other technical ground or on the ground that he has been pardoned by the Court as he turned approver based on his judicial confession, he must be regarded as having been prevented from discharging his duties and the period of his absence including the period of suspension shall be treated as duty for all purposes and he shall be paid full pay and allowances which he would have been entitled to, had he not been under suspension, or dismissed or removed or compulsorily retired from service.

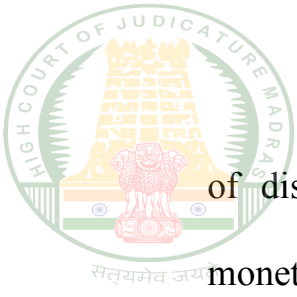
5. In terms of the above Ruling, a board employee who was dismissed from service and is subsequently reinstated into service on his



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acquittal by the Court either on merits or on the ground that the charges has not been proved against him etc., he must be regarded as having been prevented from discharging his duties and period of his absence including the period of suspension shall be treated as duty for all purposes and he shall be paid full pay and allowances which he would have been entitled to, had he not been under suspension, or dismissed or removed or compulsorily retired from service.

6. From the above it is evident that, an employee of the board who is dismissed from service basing upon conviction by competent Court is entitled for treating the entire period as duty period for monetary benefits, once he is acquitted by the appellate Court on whatsoever ground and reinstated into service. No doubt, the petitioner is extended the benefit of regularizing the period of suspension and he was also paid the monetary benefits for the said period including fixation of pay. However, the same benefits is refused to be extended insofar as the dismissal period is concerned. Above Ruling 9 squarely covers both the situations that is period of suspension and period of dismissal from service. Absolutely, there is no reason or basis for the respondents to deny the benefit of treating the period



of dismissal as duty and extending the benefit of fixation of pay and monetary benefits. As the Rulings 9 of the Regulations referred to above is directly covering the subject, this Court does not see any impediment in granting the said relief in favour of the petitioner.

7. In the light of the above, the respondents are directed to fix the pay of the petitioner by treating the period of dismissal from service as duty and, accordingly, to pay all the arrears payable to him as expeditiously as possible at any rate within a period of two (2) months from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is allowed. Connected miscellaneous petitions, if any, shall stand closed. No costs.

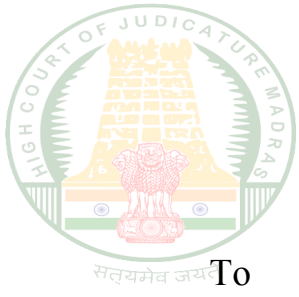
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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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