



W.P.(MD)No.5661 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5661 of 2025

K.Muniyasamy

... Petitioner

Vs.

- 1.The Chairman cum Managing Director,
Tamil Nadu Electricity and Distribution Corporation,
144, NPKRR Maaligai,
Anna Salai, Chennai-600 002.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Electricity and Distribution Corporation,
144, NPKRR Maaligai,
Anna Salai, Chennai-600 002.
- 3.The Chief Engineer (Distribution),
Tirunelveli Region, Tirunelveli District.
- 4.The Superintending Engineer (Distribution),
TANGEDCO,
Thoothukudi Electricity Distribution Circle,
Thoothukudi District.
- 5.The Executive Engineer (Distribution),
TANGEDCO,
Tiruchendur Division, Thoothukudi District.
- 6.The Assistant Accounts Officer (Revenue),
Tiruchendur Division,
Thoothukudi District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue posting orders to the petitioner and further directing the respondents to disburse the monetary benefits w.e.f. 06.11.2024 by considering the representation of the petitioner, dated 07.12.2024 within time frame stipulated by this Court.

For Petitioner : Mr.K.Vinoharan
For R1 – R5 : Mr.S.Arivalagan
Standing Counsel
For R6 : Mr.P.Subbaraj
Special Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to issue posting orders to the petitioner and further directing the respondents to disburse the monetary benefits w.e.f. 06.11.2024 by considering the representation of the petitioner, dated 07.12.2024 within time frame stipulated by this Court.

2. The case of the petitioner is that he had been appointed as a Helper in the respondent-Corporation on compassionate ground in the year 1995. Thereafter, he was promoted to the post of Junior Assistant (Accounts),



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Assistant (Accounts) and as Account Supervisor in the year 1998, 2009 and

2010 respectively. While he was working as Assistant Accounts Officer, he was kept under suspension vide proceedings, dated 21.09.2024 of the 6th respondent on certain allegations. Thereafter, the petitioner was served with the charge memo, dated 24.09.2024 framing three charges. Enquiry is pending. Thereafter, the 4th respondent issued proceedings on 06.11.2024 revoking the suspension order passed on 21.09.2024. But posting order was not issued. Aggrieved by the action of the 4th respondent in not issuing posting order to the petitioner and for further direction to the respondents to disburse monetary benefits with effect from 06.11.2024, he submitted a representation to the respondents on 07.12.2024. The said representation is not considered. Against the inaction of the 2nd respondent in not issuing posting order to the petitioner and for not considering the representation, dated 07.12.2024, the petitioner has constrained to file this writ petition.

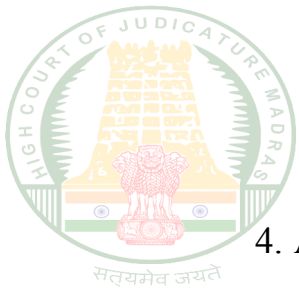
3. The facts stated in the affidavit filed by the petitioner are not disputed. Admittedly, the petitioner was suspended on 21.09.2024 and thereafter, the 4th respondent paid the subsistence allowance to him during the suspension period. On 06.11.2024, the 4th respondent revoked the suspension order. But thereafter



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posting order has not been issued by the 2nd respondent who is the competent authority to issue posting order. The 2nd respondent issued posting order only on 20.02.2025 which was served on the petitioner on 27.02.2025. Meanwhile, the petitioner filed the present writ petition. As such, no orders are required in this writ petition with regard to posting of the petitioner. With regard to the second relief sought for in this writ petition to direct the respondents to disburse the monetary benefits with effect from 06.11.2024 to 27.02.2025, in the considered opinion of this Court, the petitioner is entitled for the monetary benefits during that period. Because, the petitioner is entitled for the subsistence allowance during the suspension period only. Once suspension order is revoked, he is not entitled for subsistence allowance. Due to the reason that posting order is not issued by the 2nd respondent till 20.02.2025 though the suspension order is revoked, he is not entitled for the subsistence allowance, but he is entitled for only the regular monetary benefits like salary, etc., There is no fault on the part of the petitioner. It is the attributable to the 2nd respondent for not issuing posting order immediately after revocation of suspension order. Accordingly, in considered opinion of this Court, the petitioner is entitled for the monetary benefits with effect from 06.11.2024 to 27.02.2025.



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4. Accordingly, this writ petition is disposed of with a direction to the 4th respondent to disburse the monetary benefits to the petitioner with effect from 06.11.2024 to 27.02.2025 within a period of four (4) weeks from the date of receipt of copy of this order.

5. Considering the submission made by the learned Standing Counsel for the respondent-Corporation, it is made clear that, if the respondents paid any subsistence allowance to the petitioner after revocation of suspension order i.e., 06.11.2024, the said amount can be deducted from the amount to be paid to the petitioner.

6. With the above directions, this Writ Petition stands disposed of. No costs.

13.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

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BATTU DEVANAND, J.

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