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W.A.(MD)NO.85 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.85 of 2023 AND

C.M.P.(MD)No.1063 of 2023

The Superintending Engineer,
Tuticorin Thermal Power Station,
(Procurement and Administration),
TANGEDCO, TTPS,
Tuticorin – 4.

... Appellant / Respondent

Vs.

P.Maharajan

... Respondent / Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 26.09.2022 made in W.P.(MD)No.21032 of 2015 and allow this writ appeal in the interest of justice.

For Appellant : Mr.S.Arivalagan

For Respondent : Mr.R.Murali

* * *

**J U D G M E N T**

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(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The respondent herein joined the appellant organisation as Helper only on 01.05.1999. It was discovered that the respondent had submitted bogus educational certificates. Many of the employees had committed similar acts. The respondent was dismissed from service on 01.02.2000. After the management entered into S.12(3) Settlement, the respondent herein was reinstated on 09.07.2003. The period between the date of dismissal and reinstatement was to be treated as one of extraordinary leave on loss of pay. The pay of the respondent also suffered reduction.

3. The Board issued proceedings No.3 dated 11.01.2014 conferring service weightage of one increment @ 3% of Pay + Grade Pay to those who had completed ten years regular service as on 01.12.2011. Clause (3) of the said proceedings also stated that service weightage of one increment would be allowed even to those who were completing ten years of completed regular service during



the period between 01.12.2011 and 09.01.2014 which will count for normal increment. The management conferred the benefit under the aforesaid proceedings in favour of the respondent herein with effect from 01.12.2011.

4. Following the audit objection that EOL period could not have been included in the total service for the purpose of allowing service weightage, recovery was ordered. Challenging the same, the respondent herein filed W.P.(MD)No.21032 of 2015. The writ petition was allowed vide order dated 26.09.2022. Challenging the same, this writ appeal has been filed.

5. It is not in dispute that the respondent herein was reinstated on 09.07.2003. Even if we exclude the EOL period of three years, still the respondent herein would have completed ten years of service on 09.07.2013. Therefore, the benefit of the aforesaid proceedings could have been conferred on the respondent only with effect from 09.07.2013. We therefore modify the order passed by the learned single Judge and permit the respondent to recover the excess payment made up to 09.07.2013.



6. With the aforesaid modification, this writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
5th June 2025

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