

R. PARANGUSAM ETC.
v.
CHIEF ELECTRICAL INSPECTOR AND ANR.

JULY 22, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Service Law—Compulsory retirement—Order set aside by Tribunal and matter remitted to Government for conducting enquiry after giving opportunity to employee—Orders for fixation of pension—Held in view of the fact that employee had already retired direction for fresh enquiry was not called for—Order of Tribunal set aside—Direction to consider employee's promotion at par with juniors promoted during enquiry—If found eligible promotion should be granted with consequential benefits.

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 9863 of 1996 Etc.

From the Judgment and Order dated 18.12.92 of the Tamil Nadu Administrative Tribunal, Madras in O.A. No. 2423 of 1990.

C.S. Vaidyanathan for the Appellant.

V. Krishnamurthy for the Respondents.

The following Order of the Court was delivered :

Delay condoned.

Leave granted.

We requested Shri C.S. Vaidyanathan, learned senior counsel to assist the appellant. We have heard the arguments for the State and also Mr. C.S. Vaidyanathan. The Tribunal in the impugned order, while setting aside the order of compulsory retirement from service, remitted the matter to the Government to conduct the enquiry afresh after giving opportunity to the appellant and based thereon to pass appropriate orders for fixation of the pension etc. It is not in dispute that the appellant has already retired from service. It is also not in dispute that the advances drawn for construction of the house, allotment of the house in the name of his wife by Housing

- A Board has already been redone. Consequently, there is no detriment caused to the State. Since he had already retired from service, we think, on the facts and circumstances of the case, it is not a case for conducting a fresh enquiry as directed by the Tribunal. The order of the Tribunal is set aside. The Government is directed to consider his case for promotion on par with the juniors who were promoted pending enquiry, and then grant him promotion if he is found eligible with all consequential reliefs. The Government will also redetermine his notional scale of pay on the promotional post and pay the arrears of salary and also pension as if he had retired on promotional post. This action should be taken and payment made within a period of six weeks from the date of the receipt of this order.
- B
- C

The appeals are accordingly allowed. No costs.

T.N.A.

Appeals allowed.