

R. Parangusam

Vs

Chief Electrical Inspector and Another

Civil Appeals No. 9863 of 1996 with No. 9865 of 1996

(K. Ramaswamy, G. B. Pattanaik JJ)

22.07.1996

ORDER

1. Delay condoned.

2. Leave granted.

3. We request 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 the Housing 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 a 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.

4. The appeals are accordingly allowed. No costs.