

**Tamil Nadu Generation and Distribution Corporation Limited**

Legal Cell,  
144, Anna Salai,  
Chennai-2

**Letter No.19396/C11/2024-1 Dated 30.05.2024**

From

Thiru.G.Chinna Nagur, B.Sc., M.A., M.L., P.G.D.L.A.,  
Legal Adviser

To

The Superintending Engineer,  
Salem Elec. Distn. Circle,  
Salem (we)

Sir,

Sub: TANGEDCO - Legal Cell - Th.Duraisamy, Foreman I Grade - Involved in Criminal Case - imprisonment for 3 days - Criminal case under Trial - Due to retire from the Board's Service on attaining the age of Superannuation on 31.05.2024 AN - Legal Opinion - Issued.

Ref: Your Lr.No.101/ADM-III/A.4/2024- 2 Dated 29.05.2024

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Your letter cited and its enclosures are perused in Legal Cell. It is seen that during the year 2013, a criminal case was registered against Thiru Duraisamy, Foreman I Grade, for the alleged commission of offence U/s. 294 (b), 323 & 352 r/w 3 (1) of the Tamil Nadu Public Property (Destruction & Loss) Act 1982 and FIR was registered in Crime No.706/13 before the Omalur Police Station and he was in prison for three days. The fact was hidden by Thiru Duraisamy, Foreman I Gr.


2. It is seen from the letter of Inspector of Police/Salem District, dt. 27.05.2024, no CC number has been found place, only Crime No.706/13 alone has been found. He has not assigned the CC number and the Name of the Court, as such it is presumed that the case is in FIR Stage. On analysing the website of the Judicial Court Omalur, it is found that "no records found". Further it is ascertained that no Criminal Case is filed before the appropriate Judicial Magistrate Court by the Prosecution. After registering the FIR, the charge sheet to be filled before the appropriate Judicial Magistrate Court within 90 days time. In the case on hand, after such a long delay of nearly 11 years, it appears no CC Number has been filed. In the said circumstances opinion is sought for to permit him to retire from the Board's service.

3. In this connection, it is submitted that mere pendency of FIR is not a bar to the permit the employee to go for Retirement. FIR is pending for more than 11 years without any progress by the concerned Police Station.

4. Further it is stated that since there is no Disciplinary Proceedings against him, the Letter No.60669/A18/A181/2013-1 Dated 16.09.2013 issued by the Secretariat Branch does not applicable to the case on hand. As such, the issuance of conditional Retirement was not arise.

5. In the light of the above position, as on date, it appears that no criminal case and disciplinary proceedings pending against him, as such, the Competent Authority may proceed to permit him for retirement on attaining the age of superannuation on 31.05.2024 A.N.

6. The Papers as received are returned.

Yours faithfully,  
  
for Legal Adviser. 30-05-20