



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P(MD)No.21879 of 2015
and
M.P(MD)Nos.1 and 2 of 2015

M.Azhagar

... Petitioner

Vs.

The Assistant Executive Engineer,
Rural,
Tamil Nadu Generation Distribution Corporation,
Theni.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records relating to the impugned charge memo of the respondent in ref. Ku.AA.No.Vu.Se.Po/Vu/Theni/Va.AA/Ko.Maraiyam/A.No.061/2015, dated 30.04.2015/31.07.2015 served on 07.08.2015 and the consequent impugned proceedings of the respondent in ref.Ku.AA/No.Vu.Se.Po/ Pa/Rasi/Va.Vu/Ko.Maraiyam/A.No.032/15, dated 18.11.2015 and quash the same.

For Petitioner : Mr.K.Appadurai
For Respondent : Mr.S.Dhayalan

O R D E R

The petitioner was initially engaged as contract labourer from 1989 onwards. Thereafter, he was absorbed on regular basis by the proceedings of the Chief Engineer(Employment), Chennai in Lr.No.012267/58/G.582/2008-10, dated 10.02.2009. The absorption of contract labourers into regular service was made without reference to the educational qualifications. The same was done based on the recommendation of Khalid Commission and various Board proceedings issued thereafter, i.e absorption of contract labourers as regular workmen was made without reference to educational qualifications. However, some of these contract labourers produced false educational certificates. The employment is not based on those certificates. But, for giving those false certificates, actions were initiated by the Tamil Nadu Electricity Board and in some cases, dismissal as punishment was imposed. When the matter came before the first Bench of this Court in a batch of Writ Appeals in W.A.No.3621 of 2002(batch), the first Bench of this Court vide judgment dated 20.12.2002, interfered with the same in the aforesaid circumstances and directed the Electricity Board to give punishment other than dismissal. The same was complied with and Board proceedings was also issued.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The petitioner herein was issued a charge memo, dated 31.07.2015 alleging that it was found that he produced a false educational



certificates at the time of absorption in service. The petitioner has now filed this Writ Petition questioning the charge memo.

3. I am not inclined to entertain this Writ Petition and to quash the charge memo. I am of the view that the respondent could proceed with the departmental action. But the respondent cannot impose extreme penalty of dismissal in view of the aforesaid judgment of the Division Bench of this Court and Board proceedings issued by them. Hence, while dismissing the Writ Petition, the respondents are directed not to impose extreme penalty in the event of finding that the petitioner produced false certificate at the time of absorption in service of the Board.

4. This Writ Petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To
The Assistant Executive Engineer,
Rural,
Tamil Nadu Generation Distribution Corporation,
Theni.

+1 CC to Mr.K.APPADURAI, Advocate, SR No.70461

W.P (MD) No.21879 of 2015
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Pm
SH/KBM :15.12.2015:2P/3C