

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.13837 of 2017 & W.M.P. No.15024 of 2017

A. Elangovan

.. Petitioner

vs.

- 1 The Chairman cum Managing Director
Tamil Nadu Generation and Distribution
Corporation Ltd.
No.144 Anna Salai
Chennai 600 002
 - 2 The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.
No.144 Anna Salai
Chennai 600 002
 - 3 The Chief Financial Controller - General
Tamil Nadu Generation and Distribution Corporation Ltd.
No.144 Anna Salai
Chennai 600 002
- .. Respondents

Writ Petition under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the entire records connected with the impugned proceedings of the second respondent vide (Per.) CMD TANGEDCO Proceedings No.94 (Administrative Branch) dated 29.05.2017 and quash the same insofar as deferring the name of the petitioner for promotion to the post of Chief Stores Officer is concerned and consequently, direct the second respondent to include the petitioner's name in the appropriate place, in the approved panel for promotion to the post of Chief Stores Officer, for the year 2016-2017 in (Per.) CMD TANGEDCO Proceedings No.94 (Administrative Branch) dated 29.05.2017 and thereby promote the petitioner as Chief Stores Officer, on par with his junior S. Rajangam.

For petitioner : Mr. S.N. Ravichandran

For respondents : Ms. Varalakshmi
Standing Counsel

ORDER

Ms. Varalakshmi, learned Standing Counsel, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been preferred challenging the proceedings dated 29.05.2017 of the second respondent insofar as deferring the name of the petitioner for promotion to the post of Chief Stores Officer and consequently, to direct the second respondent to include the petitioner's name in the appropriate place, in the approved panel for promotion to the post of Chief Stores Officer, for the year 2016-2017 in (Per.) CMD TANGEDCO Proceedings No.94 (Administrative Branch) dated 29.05.2017 and thereby, promote the petitioner as Chief Stores Officer, on par with his junior S. Rajangam.

3. The petitioner was issued with a Memo on 06.02.2015 alleging that he had forced one person to give donation for construction of a church. The petitioner submitted his explanation on 16.02.2015. Nearly four months thereafter, by order dated 01.06.2015, the petitioner was imposed with the punishment of withholding of increment of three years without cumulative effect. Subsequently, on 15.06.2015, the petitioner submitted a representation expressing his willingness to pay the value of the three months increment which is sought to be withheld as a measure of punishment. But, the said representation was turned down vide order dated 22.06.2015. However, the said order did not mention as to when the punishment inflicted on the petitioner would be implemented. Hence, the petitioner addressed a representation to the authorities seeking to inform him as to when the order of punishment would be implemented. However, there was no response from the authorities. Finally, the third respondent passed an order implementing the order of withholding of three months increment without cumulative effect only from 01.04.2016.

4. It is submitted by the learned counsel for the petitioner that only for the purpose of denying him the benefit of promotion, the order of punishment dated 01.06.2015 has been sought to be implemented belatedly on 01.04.2016 and therefore, the petitioner has given one more representation dated 18.05.2017 stating that when he was inflicted with the punishment by order dated 01.06.2015, it should have been given effect to forthwith and since it has not been implemented forthwith, he has been subjected to untold hardship. It is further submitted by the learned counsel for the petitioner that one incumbent by name Chandrasekaran had already retired on 31.05.2017. Based on these submissions, the learned counsel for the petitioner pleaded that the petitioner's representation

dated 18.05.2017 may be directed to be considered within a reasonable time.

5. The learned Standing Counsel for the respondents sought four weeks time to consider and pass orders on the petitioner's representation dated 18.05.2017.

6. Recording the aforesaid submission made by the learned Standing Counsel for the respondents, the second respondent is directed to consider and pass orders on the petitioner's representation dated 18.05.2017 on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. Costs made easy. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Chairman cum Managing Director
Tamil Nadu Generation and Distribution
Corporation Ltd.
No.144 Anna Salai
Chennai 600 002
2. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.
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3. The Chief Financial Controller - General
Tamil Nadu Generation and Distribution Corporation Ltd.
No.144 Anna Salai
Chennai 600 002

+1cc to Ms.Varalakshmi, Advocate, S.R.No.40191
+1cc to Mr.S.N. Ravichandran, Advocate, S.R.No.39944

W.P. No.13837 of 2017

CS/21/06/17