

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2017

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. No.42029 of 2002

A.George Alexis

.. Petitioner

-VS-

1.The Chief Engineer/Distribution,
Tamil Nadu Electricity Board,
Chennai Region/South, 802,
Anna Salai, Chennai-600 002.

2.The Superintending Engineer/CEDC,
Tamil Nadu Electricity Board,
Chengalpattu, Kancheepuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records relating to the impugned order of the first respondent in Memo No.016593/260/Adm.O/B.I/2001-6 dated 24.05.2002 confirming the order passed by the second respondent in Memo No.288/ADM.II/A-1 dated 15.05.2001 and quash the same and direct the respondents to grant all consequential benefits to the petitioner.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.R.Dhanaram

ORDER

This writ petition challenges an order of the Chief Engineer/
Distribution, Chennai Region, Chennai, in Memo No.016593/260/
Adm.O/B.I/2001-6 dated 24.05.2002.

2.The crux of the writ petition is to the effect that the impugned order passed by the first respondent is violative of the provisions of Tamil Nadu Electricity Board Employees D & A Regulations and the requirements of natural justice, being wholly non-speaking.

3.Learned counsel appearing for the petitioner would draw the attention of the Court to the contents of the impugned order pointing out that the detailed grounds filed by him challenging the report of Enquiry Officer and the order of Superintending Engineer, have not even been adverted to, let alone adjudicated upon.

4.It is seen that the petitioner has filed a detailed appeal refuting each charge made against him. He has also raised a specific averment that no personal hearing was granted to him prior to the issue of final orders by the original authority which is a mandatory requirement in terms of the D & A Regulations. In disposing the appeal, it is incumbent upon the first respondent to have adverted to the explanation offered and considered the same and then arrived at a conclusion. However, a perusal of the impugned order would indicate that this has not been done. The Appellate Authority merely confirms the punishment imposed without even adverting to the explanations offered by the petitioner or providing reasons for his conclusions. The

principles of the natural justice require a speaking order to be passed which has not been done in this case. The operative portion of the order reads thus:-

"Various points put forth by the appellant in his appeal petition and the written defence statement has been carefully examined with all the connected records the undersigned finds no fresh points put forth by the appellant to mitigate the gravity of the charges. Hence Chief Engineer/Distribution/Chennai Region/South is of the view to confirm the punishment already imposed by the Superintending Engineer/Chengai Electricity Distribution Circle/Chengalpattu. In view of the above, it is ordered that the appeal preferred by Thiru.A.George Alexis, then Assistant Engineer/Shift/400 KV SS/Sriperumbudur is hereby "REJECTED"."

5.The appeal is dismissed stating merely that nothing new has been put forth in appeal. In my view, this does not amount to proper disposal of the appeal and the Appellate Authority ought to have tested the grounds raised against the conclusion of the original authority prior to arriving at his conclusion.

6.In the light of the above, the impugned order is set aside and the first respondent/Appellate Authority is directed to hear the appeal and dispose of the same within a period of eight weeks from the date

Dr.ANITA SUMANTH,J.

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of receipt of a copy of this order, after providing due opportunity to the petitioner. The writ petition is accordingly allowed. No costs.

21.02.2017

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To

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Tamil Nadu Electricity Board,
Chennai Region/South, 802,
Anna Salai, Chennai-600 002.

2.The Superintending Engineer/CEDC,
Tamil Nadu Electricity Board,
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