

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24715 of 2004

G. Ganesan

... Petitioner

Vs.

1.The Chief Engineer,
Office of the Chief Engineer,
Tamil Nadu Electricity Board,
North Chennai Thermal Power Station,
Chennai 600 120.

2.The Superintending Engineer (P & M.M)
North Chennai Thermal Power, Project
Tamil Nadu Electricity Board,
Chennai 600 057.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the second respondent bearing Memo No.Adk.II/A2/C.572/96-2 dated 13.02.1997 as confirmed by the Appellate order bearing Memo No.Adm.II/A1/C.572/96-3 dated 30.12.1997 passed by the first respondent herein and quash both the proceedings and consequently direct the respondents to reimburse the petitioner with the amounts withheld by them by virtue of the order of the second respondent dated 13.02.1997.

For Petitioner : Mr.V. Kalyanaraman

For Respondents : Mrs.R.Varalakshmi
TNEB

O R D E R

Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the second respondent bearing Memo No.Adk.II/A2/C.572/96-2 dated 13.02.1997 as confirmed by the Appellate order bearing Memo No.Admn.II/A1/C.572/96-3 dated

30.12.1997 passed by the first respondent herein and quash both the proceedings and consequently direct the respondents to reimburse the petitioner with the amounts withheld by them by virtue of the order of the second respondent dated 13.02.1997.

2. The brief facts of the case of the petitioner is as follows:

The petitioner is an employee of the Tamilnadu Electricity Board. At the relevant point of time i.e., on 01.10.1994, the petitioner was working as Junior Engineer, Gr-I Operation and Efficiency Division, has received a sum of Rs.3,01,021.95/- in cash being the salary for the Officers and staff of Operational Engineering Division. The petitioner in his letter dated 03.10.1994 has reported to the Executive Engineer (O & E) that a sum of Rs.62,287/- is missing from the cash chest embedded in the office of the EE/O&E. Since the petitioner has also added in his report that he has been drawing the cash from Central Office for the past several months and he used to keep the balance of disbursing salary in the cash chest on 02.10.1994.

3. On instruction of the respondent, the petitioner made a police complaint on 02.10.1994. It is seen that except the breakage of keyhole plates there was no other evidence of tampering with the locking arrangement of the cash chest as well as the office room door lock. In the absence of any evidence of tampering, the respondent initiated disciplinary action against the petitioner. Accordingly, the respondent issued a charge memo/sheet on 28.11.1994. After the receipt of the charge memo/sheet, the petitioner filed a reply on 18.02.1995. Thereafter, an Enquiry Officer was appointed and after conducting enquiry, they submit a report against the delinquent officer stating that the charges are not proved and the same was sent to the Disciplinary Authority. On receipt of the Enquiry Officer's report, the disciplinary authority not accepted statement mentioned in the Enquiry Report and issued a second show cause notice to the petitioner. After receipt of the reply, the disciplinary authority imposed the punishment of stoppage of increment for one year without cumulative effect. Aggrieved by the same, the petitioner filed an appeal before the Appellate authority, the appellate authority also confirmed the disciplinary authority order.

4. On perusal of the findings of the disciplinary authority, the petitioner himself admitted that it is a single locking system and the cash chest was closed with one key alone. Since no person was available in the particular room, the petitioner is not able to arrange the security system thereby the money was stolen on that day. On perusal of the findings, it is manifested that admittedly the petitioner did not handover the key and not taken effective steps of protect

the public money.

5. This Court is convinced that the disciplinary authority has taken a lenient view in awarding minimum punishment of stoppage of increment without cumulative effect.

6. Learned counsel for the petitioner would submit that the punishment was imposed against the petitioner and he also suffered the same and the petitioner also retired from the service.

In view of the above, this court is not inclined to interfere with the order passed by the respondents. Accordingly, the writ petition is dismissed. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

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North Chennai Thermal Power Station,
Chennai 600 120.

2.The Superintending Engineer (P & M.M)
North Chennai Thermal Power, Project
Tamil Nadu Electricity Board,
Chennai 600 057.

+1cc to Mrs.R.Varalakshmi, Advocate SR.No.64214/17
+1cc to M/s. Aiyar & Dolia Advocate SR.No.63971/17

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SDR 06.10.2017

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