

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24880 of 2004

N.Sadhasivam

..Petitioner

Vs.

1.Tamil Nadu Electricity Board
rep. By its Chief Engineer (Personnel)
No.800, Anna Salai, Chennai 600 002.

2.The Superintending Engineer
Tamil Nadu Electricity Board
Chennai Electricity Distribution Circle, Central
Valluvar Kottam, Chennai 600 04.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Memo No.00378/711 ADM-IV/A1/F.D.P./203-2 dt.05.08.2004 issued by the second respondent and quash the same as being illegal, arbitrary and unconstitutional and consequently, direct the respondent Board to grant all benefits due to the petitioner including seniority and promotion with monetary benefits as are due to the petitioner.

For Petitioner :Mr.V.Govardhanan
for M/s Row & Reddy

For Respondents :Mrs.R.Varalakshmi
Standing Counsel

* * * * *

ORDER

The show cause notice issued in proceedings dated 05.08.2004, is under challenge in this writ petition.

2.The learned counsel appearing for the writ petitioner made a submission that the disciplinary authority while disagreeing with the findings of the enquiry officer issued a show cause notice dated 5.8.2004, to the writ petitioner, which is impugned in this writ petition. The learned counsel further urged this Court that the impugned show cause notice stipulates the punishment of stoppage of increment for one year without cumulative effect, including the period if any spent on leave.

3.However, it is brought to the notice of this Court by the learned Standing Counsel appearing for the respondents that the second respondent in paragraph No.9 of the counter affidavit filed by him on 26.02.2007, has stated as under:

“9.I submit that the said Show Cause Notice dated 5.8.2004 was withdrawn and the same was communicated to the petitioner herein. A fresh Show Cause Notice dated 24.1.06 was issued to the petitioner herein to afford him an opportunity to show cause against the reasons given by the disciplinary

authority for disagreeing with the Enquiry Officer.”

4. In view of the fact that the impugned show cause notice dated 5.8.2004, had been withdrawn by the second respondent, no further adjudication on merits and on the grounds raised in this writ petition require to be considered. However, it is left open to the writ petitioner to submit his explanation/objections and based on that the disciplinary authority can take a decision and pass appropriate orders in the disciplinary proceedings.

With this observation, the writ petition stands closed. No costs.

20.10.2017

rpa

To

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S.M.SUBRAMANIAM, J.,



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