

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5314 of 2018

P.Sidhaiyan

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Petitioner

-vs-

1. The Chief Secretary
Government of Tamilnadu
Secretariat
Chennai 600 009
2. The Principal Secretary
Energy Department
Government of Tamilnadu
Secretariat
Chennai 600 009
3. The Principal Secretary/Chairman
& Managing Director
Tamil Nadu Generation and Distribution
Corporation Limited
TANGEDCO Ltd., (Formerly TNEB)
800, Anna Salai
Chennai 600 002
4. The Secretary
Secretariat Branch
Tamil Nadu Generation and Distribution
Corporation Limited
TANGEDCO Ltd., (Formerly TNEB)
800, Anna Salai
Chennai 600 002
5. The Deputy Chief Internal Audit Officer (Establishment)
Audit Branch
Tamil Nadu Generation and Distribution
Corporation Limited
TANGEDCO Ltd., (Formerly TNEB)
800, Anna Salai
Chennai 600 002

6. The Chief Internal Audit Officer (Account)
Tamil Nadu Generation and Distribution
Corporation Limited
TANGEDCO Ltd., (Formerly TNEB)
Audit Branch, 800, Anna Salai
Chennai 600 002

7. The Deputy Chief Internal Audit Officer
Audit Branch
Tamil Nadu Generation and Distribution
Corporation Limited
TANGEDCO Ltd., (Formerly TNEB)
Erode Region
Erode 638 009

8. The Asst.Audit Officer (ADM)
Tamil Nadu Generation and Distribution
Corporation Limited
TANGEDCO Ltd., (Formerly TNEB)
Audit Branch, 800, Anna Salai
Chennai 600 002 ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records pertaining to the memos issued by the seventh respondent to the petitioner dated 06.11.2017 vide KU.AA.002095/B814-3/F/31/F318-2/KO.O.N/2017, memo dated 18.01.2018 vide KU.AA.000051-1/B 31-1/AP.318-1/G.O.N/2018, memo dated 07.02.2018 vide KU.AA.000051-2/B 31-2/AP.31/AP/318-1/G.O.N./2018, memo dated 17.02.2018 vide KU.No.000051-3/B 31-3/F.31/F.318-1/KO.O.N/2018 and to quash the same.

For Petitioner :: Mr.R.Rangarajan

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1 & 2
Mr.P.R.Dhilip Kumar
Standing Counsel for R3

ORDER

This writ petition is directed against the impugned memos issued by the Deputy Chief Internal Audit Officer, Audit Branch, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO Ltd.), Erode Region, the seventh respondent herein warning the petitioner for his failure to properly make a representation through proper channel/superior officer as per the protocol and procedure followed by the Department.

2. Learned counsel for the petitioner submitted that the petitioner is serving as an Auditor in the respondent

Department. Since his wife Mrs.Pappa underwent a surgery/treatment at Bhavani Hospital, Salem during the month of July 2017, in an effort to claim the reimbursement of her medical expenses, made an application on 4.10.2017, as he is entitled for the same as per the Health Insurance Scheme. However, the seventh respondent issued a memo on 6.11.2017 stating that the petitioner's application dated 18.8.2017 along with one another representation dated 21.9.2017 were addressed directly to the second respondent, having been redirected to the seventh respondent now, in violation of the rules of the TANGEDCO Limited. Therefore, a memo dated 5.10.2017 was issued to show cause as to why action should not be taken against the petitioner for not making the representation as per the procedure and seven days time was granted to submit his explanation. Thereafter, a warning also was given to the petitioner not to give any representation bypassing the hierarchy. The learned counsel further submitted that when the petitioner has submitted his explanation seeking reimbursement of the medical expenses incurred for his wife's treatment, after finding no response from the seven respondent, out of ignorance and curiosity, he has made the representation to the Principal Secretary to Government, Energy Department, the second respondent herein, which cannot be found fault with and no warning also can be given to the petitioner.

3. But this Court is unable to find any justification or any merit in the writ petition. The reason is that the impugned memo of warning issued to the petitioner clearly shows the defects in his representation. Firstly, instead of addressing the seventh respondent through proper channel, he has made the representation to the higher authority and that too, wrongly mentioning the name of the superior officer as Mr.Sankaranayan instead of Mr.Sankaranarayanan. Therefore, the respondents have rightly warned the petitioner for his disobedience to the rules and norms. Moreover, it is an elementary principle that when the petitioner has made the representation seeking reimbursement of the medical expenses incurred for his wife's treatment to the seventh respondent, without knowing its outcome or process, he cannot again make any representation to the second respondent. Ignoring the protocol and procedure, he has even addressed the superior officer by mentioning his name incorrectly, which mistake cannot be said to be a typographical error. Therefore, finding no error or infirmity with the impugned memos, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs.

SD

ASSISTANT REGISTRAR (AUDIT)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The Chief Secretary
Government of Tamilnadu
Secretariat
Chennai 600 009
2. The Principal Secretary
Energy Department
Government of Tamilnadu
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Audit Branch, 800, Anna Salai
Chennai 600 002

1CC TO M/S. P.R. DHILIPKUMAR, ADVOCATE SR: 18306
1CC TO M/S. R. RANGARAJAN, ADVOCATE SR.NO.18383
1CC TO THE GOVT PLEADER SR.NO. 19267

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