

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.40338 of 2006

T.Mohan

....Petitioner

-vs-

1. The Chairman,  
Tamil Nadu Electricity Board,  
800 Anna Salai, Chennai 600 002.
  2. The chief Engineer (Personnel),  
Tamil Nadu Electricity Board,  
800 Anna Salai, Chennai 600 002.
  3. The Superintending Engineer,  
Thirupattur Electricity Distribution Circle,  
Thirupattur 635 601.
  4. The Junior Engineer,  
Operations and Maintenance, West  
Tamil Nadu Electricity Board,  
Ambur, Vellore District.
- ....Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to pass necessary orders imposing the punishment of reduction of pay to the minimum of the time scale of pay of the post of Masthur-II for a period of three years which will operate for future increments considering the explanation dated 11.10.2006 submitted by the petitioner for the charge memo dated 01.09.2006 issued by the 3<sup>rd</sup> respondent as directed by the orders of the Hon'ble Court dated 18.12.2002 made in WA.Nos.2454 and 2589 of 2002 batch.

For Petitioner : M/s. S.Periyasamy  
For Respondents : Mr.M.Fakkir Mohideen,

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to pass necessary orders imposing the punishment of reduction of pay to the minimum of the time scale of pay of the post of Masthur-II for a period of three years which will operate for future increments

considering the explanation dated 11.10.2006 submitted by the writ petitioner for the charge memo dated 01.09.2006 issued by the 3<sup>rd</sup> respondent as directed by an orders of this Court dated 18.12.2002 made in Writ Appeal Nos.2454 and 2489 of 2002.

2. The very relief moulded in the present writ petition is innocuous. The writ petitioner being an employee of the organization cannot seek a direction against respondent to impose a particular punishment as per his representation. It is the provocative of the disciplinary authority to consider all the materials available on record, take a decision and pass orders with reference to the rules and by affording opportunity to the delinquent officials. Contrarily, the delinquent official cannot suggest any punishment by way of an explanation or representation. The delinquent employee can admit the charges or deny the charges. If the charges are admitted, then the disciplinary authority is empowered to proceed with reference to the admitted charges. If the charges are denied then the disciplinary authority is bound to provide an opportunity by conducting the enquiry and by scrutinizing documents available on record.

3. This being the procedures to be followed in a disciplinary proceedings, the present writ petition on hand is filed for a direction to direct the respondents to impose punishment of reduction of pay to the minimum of time scale of pay for the post of Masthur-II for the period of 3 years, which will operate for future increments, considering the explanation dated 11.10.2006. The writ petitioner has travelled beyond the scope of his grievances and his prayer as such sought for in the present writ petition deserves an outright rejection. However, it is made clear that the explanation submitted by the writ petitioner is to be considered by the Competent Authorities with reference to the materials available on record and the final order is to be passed in the disciplinary proceedings by affording opportunity to the writ petitioner and to pass orders on merits and in accordance with law.

4. This being the factum of the case, the writ petitioner has not established any acceptable grounds for the purpose of granting the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No Costs.

-s/d-  
Assistant Registrar (CCC)

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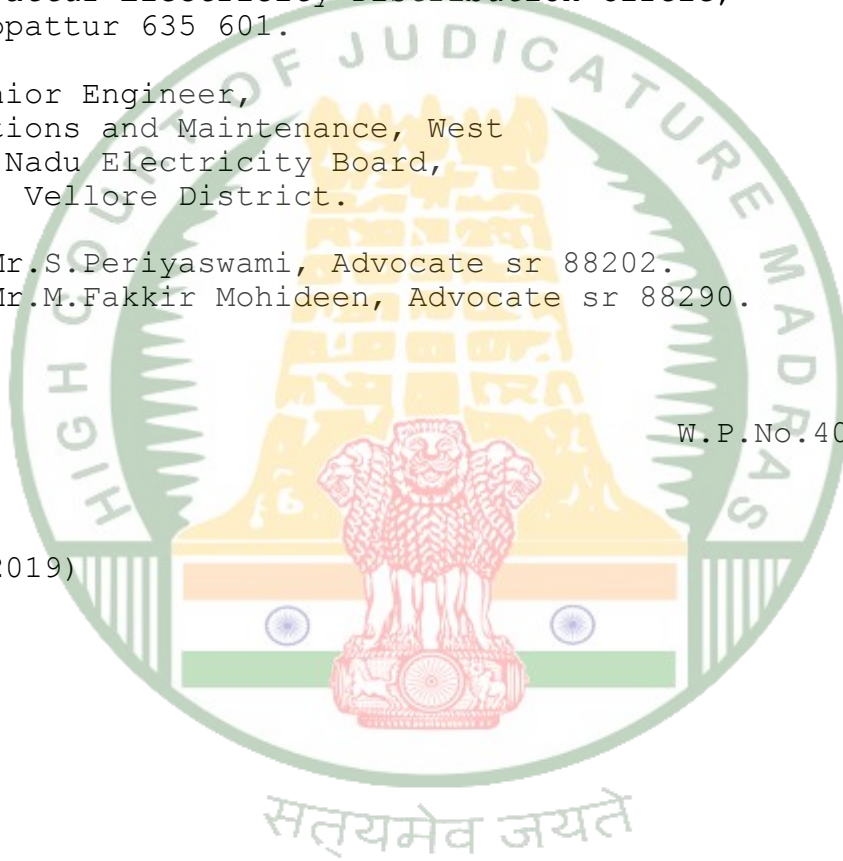
Sub-Assistant Registrar

To

1. The Chairman,  
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Tamil Nadu Electricity Board,  
Ambur, Vellore District.
- +1 CC to Mr.S.Periyaswami, Advocate sr 88202.  
+1 CC to Mr.M.Fakkir Mohideen, Advocate sr 88290.

W.P.No.40338 of 2006

VD(CO)  
SP(23/01/2019)



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