

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.24308 to 24315 of 2004

1. V.Rajendran (in W.P.No.24308 of 2004)
 2. B.Venkatesan (in W.P.No.24309 of 2004)
 3. E.Jayabalan (in W.P.No.24310 of 2004)
 4. M.Arumugam (in W.P.No.24311 of 2004)
 5. C.Sekar (in W.P.No.24312 of 2004)
 6. D.Mani (in W.P.No.24313 of 2004)
 7. P.Sreenivasan (in W.P.No.24314 of 2004)
 8. L.Selvaraj (in W.P.No.24315 of 2004) Petitioners
- vs.

1. Superintending Engineer,
Tamil Nadu Electricity Board,
Central Electricity Distribution Circle,
Chennai - 34.
 2. Executive Engineer/ O &M,
Tamil Nadu Electricity Board,
Annasalai / CEDC / Central,
Chennai -2. Respondents
- (in all 8 writ petitions)

Prayer in WP.No.24308 of 2004: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records pertaining to the order passed by the first respondent in Memo No.NiP4/Vul/Mey Poa/SeM1Pa Va/Mai/Koa.Oa/2003, dated 26.03.2004 and the consequential order passed by the second respondent in Memo No.110/EE/O & M/AS/Adm./A.2/04 dated 13.05.2004 and quash the same.

Prayer in WP.No.24309 of 2004: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records pertaining to the order passed by the first respondent in Memo No.Mey Poa/SeM1Pa Va/Mai/NiP4/Vul/Koa.Oa.Na/2002-3 dated 16.04.2004 and the consequential order passed by the second respondent in Memo No.110/EE/O&M/AS/Adm./A.2/F./04 dated 13.05.2004 and quash the same.

Prayer in WP.No.24310 of 2004: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records pertaining to the order passed by the first respondent in Memo No.Mey Poa/SeMlPa Va/Mai/NiP4/Vul/Koa.Oa.Na/2002-4 dated 12.04.2004 and the consequential order passed by the second respondent in Memo No.110/EE/O&M/AS/Adm./A.2/04 dated 13.05.2004 and quash the same. Prayer in WP.No.24311 of 2004: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records pertaining to the order passed by the first respondent in Memo No.1602/NiP4/Vul/Koa.Oa.Na/2002-4 dated 15.04.2004 and the consequential order passed by the second respondent in Memo No.110/EE/O&M/AS/Adm./A.2/04 dated 13.05.2004 and quash the same. Prayer in WP.No.24312 of 2004: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records pertaining to the order passed by the first respondent in Memo No.Mey Poa/SeMlPa Va/Mai/Koa.Oa.Na/NiP4/Vul/2002-3 dated 21.04.2004/04.05.2004 and the consequential order passed by the second respondent in Memo No.119/EE/O&M/AS/Adm./A.2/04 dated 28.05.2004 and quash the same. Prayer in WP.No.24313 of 2004: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records pertaining to the order passed by the first respondent in Memo No.Mey Poa/SeMlPa Va/Mai/Koa.Oa.Na/NiP4/Vul/2002-3 dated 21.04.2004/04.05.2004 and the consequential order passed by the second respondent in Memo No.120/EE/O&M/AS/Adm./A.2/04 dated 28.05.2004 and quash the same. Prayer in WP.No.24314 of 2004: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records pertaining to the order passed by the first respondent in Memo No.02154/374/Ni P4/Vul/Koa.Oa.Na/2002-4 dated 24.04.2004/04.05.2004 and the consequential order passed by the second respondent in Memo No.121/EE/O&M/AS/Adm./A.2/04 dated 28.05.2004 and quash the same.

Prayer in WP.No.24315 of 2004: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records pertaining to the order passed by the first respondent in Memo No.1600/Ni P4/Vul/2000-4 dated 12.04.2004 and the consequential order passed by the second respondent in Memo No.110/EE/O&M/AS/Adm./A.2/F/04 dated 13.06.2004 and quash the same.

For Petitioners: Mr.P.Ganesan

For Respondents: Mrs. P.R.DilipKumar
(in all 8 writ petitions)

COMMON ORDER

The order of punishment imposing the reduction of pay to the minimum scale of pay of the post held on the date of imposing the punishment for a period of 3 years which will operate for future increments imposed on the writ petitioner is under challenge in the present writ petition.

2. The facts in nutshell to be considered for the purpose of deciding the present writ petition are that all the writ petitioners were appointed under the land losers category by the respondent Board. The appointments were made pursuant to the recommendations made by the Hon'ble Justice Khalid Committee.

3. However, subsequently after the appointment of these writ petitioners, the Board had undertaken the process of verifying the educational certificates produced by the writ petitioners for the purpose of securing appointments. On verification of the certificates submitted by these writ petitioners, the Board found that the certificates are bogus and the same were obtained by illegal means. The concerned Educational Authorities of the State Government also confirmed that these certificates are bogus and these writ petitioners had not studied in the schools as per the certificates and no records to that effect are available.

4. Based on the fact that, the certificates were found bogus, the disciplinary proceedings were initiated against all the writ petitioners and the memorandum of charges were issued. The writ petitioners had submitted their explanations denying the charges and an enquiry was conducted by the Domestic Enquiry Officer. The enquiry report reveals the charges against the writ petitioners were proved. Based on the proved charges, the disciplinary Authority issued notice to the writ petitioners enabling them to submit their further objections and thereafter passed the final order in the disciplinary proceedings imposed the penalty of removal from service. Challenging the said major penalty of removal from service the petitioners had filed writ petitions and those writ petitions were allowed in favour of the writ petitioners.

5. Thereafter, based on the direction, a revised order was passed imposing the lesser penalty of reduction of pay to the minimum of scale of pay of the post held on the date of imposing the punishment for a period of 3 years which will operate for future increments. The said reduced punishment is under challenge in the present writ petition.

6. This Court is of an opinion that, submission of a bogus educational certificate for the purpose of securing public employment is a serious misconduct. Undoubtedly, a person

submitting a bogus educational certificate for securing public employment is liable to be removed from service. However, it is brought to the notice of this Court that all the writ petitioners were appointed as last grade servants, therefore, higher qualifications are not required and the knowledge in reading and writing is sufficient for the purpose of appointing these writ petitioners. In any event this Court is unable to accept such contentions on account of the fact that, the very submission of bogus educational certificates itself is a misconduct. However, the major penalty of removal of service was set aside and the authorities were permitted to reconsider the case of the writ petitioners. The Competent Authorities reconsidered and imposed the lesser penalty of reduction of pay to the minimum of scale of pay.

7. The learned counsel for the respondent also made a submission that, the certificates produced by the writ petitioners were sent for verification to the Competent Educational Authority who in turn affirmed that all those certificates are bogus and there is no entries in the respective school registers and in the departmental registers.

8. This being the factum of the case, this Court is of an opinion that, the lesser punishment imposed cannot be construed as disproportionate with reference to the gravity of the offences established against these writ petitioners. The order of punishment imposed by the disciplinary authority can be quashed by this Court only on certain limited grounds. Under these circumstances, the lesser punishment imposed is in commensuration with the gravity of the established charges and as such there is no infirmity and accordingly, the order impugned passed by the respondents stand confirmed and the writ petition stands dismissed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

Pkn

To

1. Superintending Engineer,
Tamil Nadu Electricity Board,
Central Electricity Distribution Circle,
Chennai - 34.

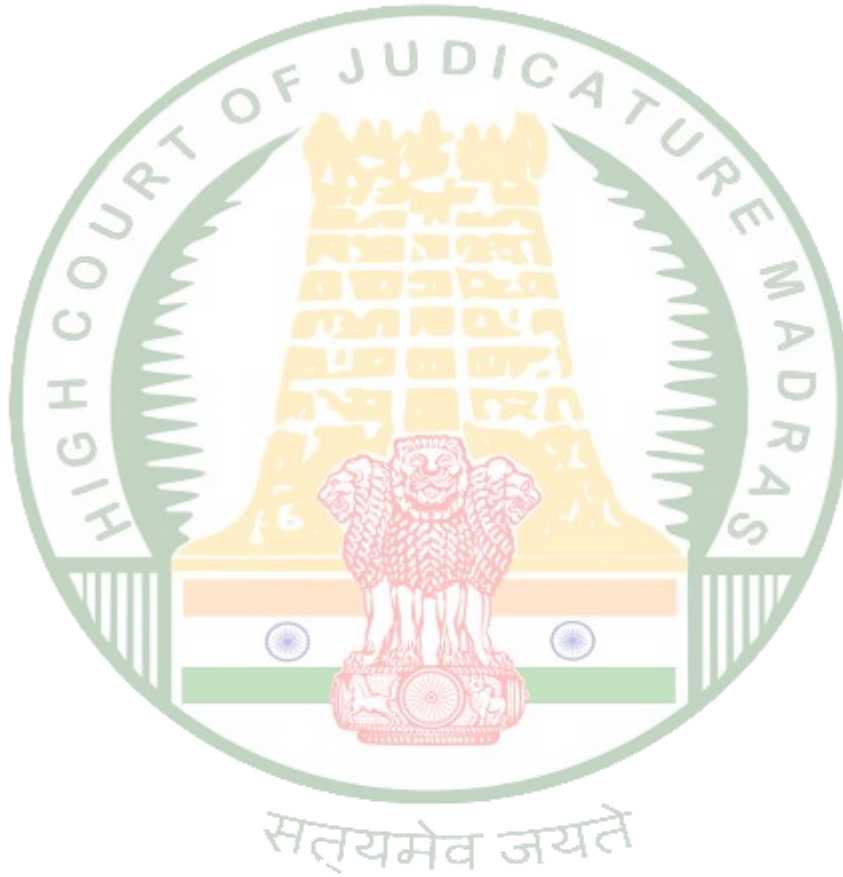
2. Executive Engineer/ O &M,
Tamil Nadu Electricity Board,
Annasalai / CEDC / Central,
Chennai -2.

+1cc to Mr.P.R.Dhilip Kumar, Advocate SR.No.83955

W.P.Nos.24308 to 24315 of 2004

GMR (CO)

GMV (04/01/2019)



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