

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20711 of 2007

G.Mohanasundaram

... Petitioner

Vs.

1. The Superintending Engineer
Tamilnadu Electricity Board,
Chennai ED.Circle/Central
Chennai - 34.

2. The Executive Engineer (O & M)
Tamilnadu Electricity Board,
Egmore, Chennai - 7.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the proceedings of the first respondent in Memo No.02369/439/NP4/U1/K. Appeal/2006 dated 11.07.2006 confirming the order passed by the second respondent in his proceedings memo No.120/EE/EGM/ADM./A1/FDP/2005-1/06 dated 18.02.2006 and quash the same.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.P.R.Dhilip Kumar

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the proceedings of the first respondent in Memo No.02369/439/NP4/U1/K. Appeal/2006 dated 11.07.2006 confirming the order passed by the second respondent in his proceedings memo No.120/EE/EGM/ADM./A1/FDP/2005-1/06 dated 18.02.2006 and to quash the same.

2.The case of the petitioner is that he joined the service as Tester Grade in the year 1979 and was promoted as Junior Engineer I Grade. While so, he was served with a charge memo by the second respondent on 16.12.2005 under Rule 8 (a) of the TNEB Service Regulations for the charges that he did not hand over

the section notes to his successor and that he did not close the imprest account for the financial year 2004-2005 even after a lapse of three months after getting relieved from Otteri Section.

3.It is the further case of the petitioner that he submitted his explanation for the same, however, the second respondent vide proceedings dated 18.02.2006, imposed the punishment of cut in increment for a period of one year with cumulative effect. Challenging

the same, the petitioner preferred appeal before the first respondent and the first respondent vide proceedings dated 11.07.2006 dismissed the appeal. Hence, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that the petitioner was issued with the charge memo on 16.12.2005, for which, the petitioner submitted his explanation on 24.01.2006. He would further submit that during the period from 08.11.2004 to 15.11.2004, the petitioner was on casual leave and one Ramalingam who was attached to Otteri Section during that period had converted the Cheque meant for imprest amount without obtaining permission from the incharge Assistant Engineer and the same was also informed to the concerned Authorities by the petitioner, however, the Authorities are fixing the responsibility on the petitioner which is unsustainable. He would further submit that the Appellate Authority without application of mind has confirmed the punishment imposed on the petitioner by the second respondent. Hence, the impugned order is liable to be interfered with.

5.The second respondent has filed a counter affidavit stating that the petitioner was working as Junior Engineer I Grade and the Section

head of Otteri O & M Section. The petitioner on administrative grounds was transferred and posted to Seven Wells 110 KV Sub-Station from Otteri/O & M/ Section in which he joined on 29.10.2005 F.N. It was reported by his immediate superior Assistant Executive Engineer/O & M/ Pulianthope that the petitioner has not properly handed over the Section to the successor in complete shape and also not closed the imprest account held in his name.

6.The counter further states that due to the discrepancy, his successor could not carry out operation and maintenance works in the Section as he could not draw fresh stores materials without having inventory of materials on hand and utilization of materials in the works which had been already drawn by his successor. Hence, the petitioner was issued with the charge memo and since the explanation submitted by the petitioner was

not convincing and not acceptable, the petitioner was imposed with the punishment of cut in increment for a period of one year with cumulative effect.

7. Heard the arguments advanced on either side and perused the materials available on record.

8. In the absence of any material to prove that the petitioner had handed over the section notes to the successor in complete to enable him to carry out the operation and maintenance works in the area and had not closed the imprest account for the financial year 2004-2005, this Court is not inclined to interfere with the order impugned in this writ petition. It is known that the petitioner had retired from service. Hence, it is not possible to reopen the case. Therefore, a direction is issued to respondents to settle the amounts due to the petitioner, if not already settled.

9. The writ petition is dismissed with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer
Tamilnadu Electricity Board,
Chennai ED.Circle/Central
Chennai - 34.

2. The Executive Engineer(O & M)
Tamilnadu Electricity Board,
Egmore, Chennai - 7.

+lcc to Mr.V.Vijayshankar, Advocate, S.R.No.50671.
+lcc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.50642.

W.P.No.20711 of 2007

NR(co)

rrs 05/09/2018