

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2018

CORAM

The Hon'ble Mr.Justice M.DHANDAPANI

W.P.Nos.28663 & 11941 of 2006

W.P.No.28663 of 2006 :

S.K.Chinnasamy

..... Petitioner in W.P.No.28663/06

Vs

1 THE CHAIRMAN TNEB
CHENNAI - 600002.

2 THE CHIEF ENGINEER /
DISTRIBUTION NPKRR MAALIGAI TNEB 800
ANNA SALAI CHENNAI - 02.

3 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICITY DISTRIBUTION CIRCLE
TNEB DHARMAPURI.

.. Respondents

W.P.No.11941 of 2006:

C.Sivalingam

.. Petitioner

-vs-

सत्यमेव जयते

1 TAMIL NADU ELECTRICITY

BOARD REP BY ITS CHIEF ENGINEER
/PERSONNEL 800 ANNA SALAI CHENNAI 600
002.

2 THE SUPERINTENDING ENGINEER
TAMIL NADU ELECTRICITY BAORD DHARMAPURI
DISTRIBUTION CIRCLE DHARMAPURI.

.. Respondents

Prayer in W.P.No.28663/06 :

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus to call for the proceedings of the 3rd respondent dated 04.11.2004 made in Ku.b.44393/425/5/A2/K.K./04 and quash the proceedings dated 04.11.2004 and consequently direct the respondents to make a reduction to pay to the minimum time scale of pay of the post held on the date of issuance of the orders namely order of dismissal from service for a period of 3 years.

Prayer in W.P.No.11941/06 :

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus to call for the concerned records relating to the letter No.053931/G-44G-442/2003-34 dt. 13.9.2004 issued by the 1st respondent read with the order No.Ku. AA No. 44393/425/ Ni. Pi. 5/ oo.2/ko. ka /04 dt. 04. 11.2004 issued by the 2nd respondent and quash the same as being illegal arbitrary and unconstitutional and contrary to the orders.

For Petitioner in : Mr.B.Jagannath
W.P.No.28663/06 for A.Jenasenan

For Petitioner in : Mr.Govardan
in W.P.No.11941/06 for Row & Reddy

For Respondents in
both the W.Ps. : Fakir Mohideen, TNEB

COMMON ORDER

The issue involved in these writ petitions are one and the same and hence, they are taken up together and disposed of by this common order.

2.Both the writ petitioners services were terminated for production of bogus educational certificate while joining the service. Initially the petitioners were appointed as contract labour and thereafter, their services were regularised. At the time of regularisation of services, the educational certificates produced by the petitioners were verified and it was found that they are fake. Hence, the petitioners were terminated from services. Against the said order of termination, the petitioner filed writ petition before this Court. Like that, similarly placed persons also filed W.A.Nos.2454, 2489 of 2002 and this Court had directed the respondent authorities to consider the representation of the petitioners in the appeal. Accordingly, the authorities have passed an order of reinstatement and imposed punishment of

reduction of pay to the minimum of scale of pay for the post held for a period of three years. Challenging the said Board proceedings, these two writ petitions were filed.

3. The issue raised in these two writ petitions are as to whether the modified punishment can be effected from the date of dismissal of service or from the date of joining the duty. Though the initial punishment was imposed for removal from service, by taking into account the Justice Khalid Commission Report, the same was modified by the Board, by its proceeding in B.P.(FB)No.27(Adm.Branch) dated 07.11.2002.

4. It is the case of the petitioner in W.P.No.28663 of 2006 that though the Board Proceedings was issued on 07.11.2002, after completing the formalities, the petitioner joined duty on 04.06.2003 and in the case of the petitioner in W.P.No.11941/06 he was able to join duty only on 13.06.2003.

5. There is no dispute with regard to reinstatement of the petitioners into service. After analysing the materials placed, this court is of the view that the modified punishment imposed on the petitioners can be given effect from the date of joining the duty and not from the date of dismissal of service.

6. In view of the same, the respondents are hereby directed to pass appropriate orders by taking into consideration the date of joining of the petitioners to duty for implementing the modified punishment. In case of the petitioner in W.P.No.28663 of 2006 it is 04.06.2003 and in case of petitioner in W.P.No.11941 of 2006 it is 13.06.2003. The impugned order passed by the respondents is set aside only upto the extend indicated above.

With the above observation, these writ petitions are disposed of. No costs.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

To

1 THE CHAIRMAN, TNEB
CHENNAI - 600002.

2 THE CHIEF ENGINEER /
DISTRIBUTION NPKRR MAALIGAI TNEB 800
ANNA SALAI CHENNAI - 02.

3 THE SUPERINTENDING ENGINEER
DHARMAPURI ELECTRICITY DISTRIBUTION CIRCLE
TNEB DHARMAPURI.

4. THE CHIEF ENGINEER TAMILNADU ELECTRICITY BOARD,
/PERSONNEL 800 ANNA SALAI CHENNAI 600 002.

+1cc to Mr.A.Jenasenan, Advocate SR.NO.42483

sm:21.8.2018

W.P.No.28663 & 11941 of 2006



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