



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2018

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.556 of 2015
and
M.P. (MD) No.1 of 2015

F.X.Mary Magdelin Princy

... Petitioner

/Vs./

1.The Chairman cum Managing Director,
TANGEDCO, Chennai.

2.The Chief Engineer,
Office of the Chief Engineer,
Distribution, Trichy.

3.The Superintending Engineer,
Trichy Electrical Distribution Circle,
Metro - Trichy-20.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent bearing Memorandum No. 85833/A1/A11/2013 - 1 dated 20.02.2014 and quash the same with the consequential direction, directing the 1st respondent to give promotion to the petitioner as Executive Engineer from 17.09.2013 i.e on the date of release of promotion order for Executive Engineer/Electrical with consequential monetary benefits.

For Petitioner : No appearance
For Respondents : No appearance

ORDER

This writ petition has been filed challenging the impugned order passed by the 1st respondent bearing Memorandum No. 85833/A1/A11/2013 - 1 dated 20.02.2014 with the consequential direction, directing the 1st respondent to give promotion to the petitioner as Executive Engineer from 17.09.2013 i.e on the date of release of promotion order for Executive Engineer/Electrical with consequential monetary benefits.



impugned order of the first respondent withholding her promotion on the ground of pendency of punishment. Records further reveal that the petitioner herein was originally appointed as Assistant Engineer (Electrical) on 01.10.1988. She was promoted on 01.09.2003 as Assistant Executive Engineer (Electrical). When the promotional panel was prepared for the post of Executive Engineer (Electrical) on 12.03.2013, her name was found in Serial No.70. However, her promotion was withheld in view of the punishment of "stoppage of next annual increment for a period of six months without cumulative effect". This punishment was imposed on 21.03.2013. On an appeal before the second respondent, the punishment period was reduced from six months to three months.

3. According to the petitioner herein, the punishment was in currency only upto 21.06.2013 and on the date of promotion, there was no currency of punishment.

4. Contrary to the above, the counter reveals that the initial punishment of six months stoppage of increment was passed 21.03.2013. On appeal, it was modified as three months without cumulative effect. The increment to the petitioner fall on 01.07.2013. Hence, the punishment of stoppage of increment for 3 months was given effect from 01.07.2013 to 31.10.2013. On the date of actual promotion (17.09.2013), the punishment was in currency.

5. Records further reveals that the Department has taken action against the petitioner herein for taking foreign assignment without intimation. In the counter filed by the respondents, it is stated that whenever employee is undergoing punishment on the crucial day or on the date of consideration, then irrespective of the time of occurrence of the irregularity, her name should be passed over for that panel. If the currency of punishment continues at the time of subsequent consideration for the next panel, the name should be again passed over on the same ground.

6. In this case, when the name was considered for promotion, the petitioner herein was served with punishment order and it was in currency. The said punishment commenced on 01.07.2013 and completed on 12.10.2013. Therefore, on the date of issuing the promotion order i.e., on 17.09.2013, there was a currency of punishment. This disentitled the petitioner from considering her name for promotion. For the above said reasons, there is no merit in this writ petition.

7. In the result, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/



TO:

1.The Chairman cum Managing Director,
TANGEDCO, Chennai.

2.The Chief Engineer,
Office of the Chief Engineer,
Distribution, Trichy.

3.The Superintending Engineer,
Trichy Electrical Distribution Circle,
Metro - Trichy-20.

+1cc to M/S.Polax Legal Solutions Advocate in SR.No.96077

Order made in
W.P. (MD) No.556 of 2015

SM

SPSKN SAR2 24.12.2018 3P 5C