

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19637 of 2005

S.Malathi

... Petitioner

Vs

1. Tamil Nadu Electricity Board,
Represented by its Chairman,
No.800, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.
3. The Director (Coals)
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to pass an order of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in connection with the impugned order dated 18.11.2000 in memo No. இ/நி/நே.உ/ககா/உ1/கோ.ஒ.ந/இ.ஆ/11/2000, and quash the same and direct the respondents to reinstate the petitioner with all other consequent benefits.

For Petitioner : Mr.M.Ramamoorthi

For Respondents: Mr.P.R.Dhilip kumar,
Standing Counsel

O R D E R

Under B.P.(F.B)No.27, Administrative Branch dated 07.11.2002, the punishment of dismissal from service has been substituted by reduction of pay to the minimum scale of pay, for a period of three years with cumulative effect, was made. In connection with the service of contract labourers, who were recommended for absorption by the Hon'ble Justice. Khalid Commission, and who were alleged to have produced bogus educational qualification certificates.

2. In the instant case also, the petitioner herein has been imposed with the punishment of removal of service on the ground that she has produced a bogus educational certificate. Since the case of the petitioner directly falls under the benefits of B.P.(F.B)No.27, Administrative Branch dated 07.11.2002, the imposition of the punishment of removal from service will not be proper. Such a proposition has also been referred to in the counter affidavit dated 12.09.2005 passed by the respondents herein.

3. In the light of the above observations, the order dated 18.11.2000 made in Memo No.இ/நி/நே.உ/ககா/உ1/கோ.ஒ.ந/இ.ஆ/1/2000, is set aside. Consequently, the punishment imposed to the petitioner herein is directed to modified into reduction of pay to the minimum scale of pay, for a period of three years with cumulative effect. The second respondent shall pass necessary orders based on the directions given in this writ petition, within a period of six weeks from the date of receipt of a copy of this order. Writ petition stands ordered accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

1. The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer (Personnel)
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.
3. The Director (Coals)
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.

+1cc to Mr.M.Ramamoorthi, Advocate, S.R.No.35825
+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No. 36652

W.P.No.19637 of 2005

SJ(CO)
GN(28/05/2019)