

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

C O R A M

THE HONOURABLE MR.JUSTICE P. VELMURUGAN

W.P.No.34819 of 2005

N.Padmanabhan

... Petitioner

Vs.

1. Tamil Nadu Electricity Board,  
Rep.by its Chief Engineer (Distribution),  
Villupuram Zone, Villupuram.
2. Superintending Engineer,  
Tamil Nadu Electricity Board,  
Cuddalore Electricity Distribution Circle,  
Cuddalore.
3. Assistant Executive Engineer (Town),  
Tamil Nadu Electricity Board,  
Nellikupam, Cuddalore District.

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the concerned records from the respondents, quash the charge memo bearing Ku.A.No.253 E.N.U/KO Kattu/96 dated 24.08.1996 issued by the 3<sup>rd</sup> respondent, the order of punishment imposed by the 2<sup>nd</sup> respondent by his order bearing Ku.A.No.151/Ne.P.2/U.2/Ko. Onada/930/99 dated 17.03.1999 and the order of the 1<sup>st</sup> respondent bearing Ku.A.No.008286 (4613)/Nir.P/P.2/2001 dated 03.03.2001 as illegal, arbitraty, contrary to law and consequently direct the respondents to give all the monetary benefits to the petitioner.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.M.Fakkir Mohideen

O R D E R

This writ petition has been filed to quash the charge memo bearing Ku.A.No.253 E.N.U/KO Kattu/96 dated 24.08.1996 issued by the 3<sup>rd</sup> respondent and challenging the punishment order imposed by the 2<sup>nd</sup> respondent by his order bearing Ku.A.No.151/Ne.P.2/U.2/Ko. Onada/930/99 dated 17.03.1999 and the

order of the 1<sup>st</sup> respondent bearing Ku.A.No.008286 (4613)/Nir.P/P.2/2001 dated 03.03.2001 as illegal, arbitrary, contrary to law and consequently, direct the respondents to give all the monetary benefits to the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner attained superannuation on 31.07.2000 and after his retirement, punishment was imposed and therefore, he submits that once he retired, no proceedings can be initiated against the petitioner and therefore, the impugned order passed by the respondent is against the preposition of law and therefore, it is liable to be set aside.

3. Learned counsel for the respondent would submit that even during the service he was served with the charge memo and meanwhile he attained superannuation and the date of retirement is only subject to the out come of the pending disciplinary proceedings and subsequently, after the retirement the enquiry proceedings was completed and imposed punishment and he further submits that another charge memo was issued against the very same petitioner and he filed yet another writ petition in W.P.No.34760 of 2005 and raised similar points in that writ petition. This Court has not agreed with the contention of the learned counsel for the petitioner and dismissed the appeal. Therefore, the points involved in both writ petitions are one and the same.

4. Heard both side counsel and perused the records.

5. Admittedly, the petitioner was working as Foreman Grade I, Nellikuppam (Town) and during his service, charge memo was issued. Meanwhile, he attained superannuation. He was permitted to retire on 31.07.2000, however the record shows that he was permitted to retire subject to the out come of the disciplinary proceedings and after his retirement, disciplinary proceedings were completed, enquiry officer found that the charges leveled against the petitioner was proved and based on the enquiry report, the disciplinary authority passed the punishment. Now, the petitioner has challenged the punishment on two grounds that after the retirement no disciplinary proceedings can be proceeded further and therefore, after retirement passing of order of punishment is in violation of principle of natural justice and the authority, who issued the charge memo, has no jurisdiction to issue the same, but in the earlier writ petition in W.P.No.34760 of 2004 dated 21.11.2006, this Court had clearly answered to both the grounds.

6. The petitioner was allowed to retire on attaining superannuation only subject to the out come of the enquiry proceedings initiated against the petitioner, which was accepted

by the petitioner and he has also retired. Having accepted the above stated position, subsequently, the petitioner cannot challenge the departmental proceedings and also the out come of the departmental proceedings. In these circumstances, this writ petition is dismissed. No costs.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

bri  
To

- 1.The Chief Engineer (Distribution),  
Tamil Nadu Electricity Board,  
Villupuram Zone, Villupuram.
- 2.The Superintending Engineer,  
Tamil Nadu Electricity Board,  
Cuddalore Electricity Distribution Circle,  
Cuddalore.
- 3.The Assistant Executive Engineer (Town),  
Tamil Nadu Electricity Board,  
Nellikupam, Cuddalore District.

W.P.No.34819 of 2005

KJ (CO)  
SP (03/02/2021)

सत्यमेव जयते  
WEB COPY