

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.18043 of 2020 and

W.M.P.No.22406 of 2020

R.Rukmangathan

... Petitioner

-Vs-

1.The Chairman-cum-Managing Director,
TANGEDCO,
144, Anna Salai, Chennai 600 002.

2.The Superintending Engineer,
Distribution South,
144, Anna Salai, Chennai 600 002.

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents 1 and 2 and quashing the order dated 16.10.2020, vide (PER) CMD TANGEDCO Proceedings No.170 of the first respondent followed by the consequential implementation order passed by the second respondent dated 17.11.2020 vide Memo No.008731/ADM1/A1/F.PAR/2020 de-promoting / reducing the rank of the petitioner from the present post of Assistant Executive Engineer (A.E.E), shift/duty Tharamani, Chennai to the post of Assistant Engineer (A.E) TANGEDCO and consequently direct the respondents to reinstate the petitioner into service in the post of Assistant Executive Engineer (A.E.E) shift/duty, Tharamani, 230KV.SS, Chennai, within a time frame.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents : Mr.Karthik Rajan, SC

O R D E R

This writ petition has been filed to call for the records of the respondents 1 and 2 and quashing the order dated 16.10.2020, vide (PER) CMD TANGEDCO Proceedings No.170 of the first respondent followed by the consequential implementation order passed by the second respondent dated 17.11.2020 vide Memo No.008731/ADM1/A1/F.PAR/2020 de-promoting /reducing the rank of the petitioner from the present post of Assistant Executive Engineer (A.E.E), shift/duty Tharamani, Chennai to the post of Assistant Engineer (A.E) TANGEDCO and consequently direct the respondents to reinstate the petitioner into service in the post of Assistant Executive Engineer (A.E.E) shift/duty, Tharamani, 230KV.SS, Chennai, within a time frame.

2. When the matter is taken up for hearing, the learned Standing Counsel appearing for the respondents would object to the maintainability of the writ petition without exhausting the effective appellate remedy available in the statute read with the regulations.

3. In view of the above submission of the learned Standing Counsel, the petitioner is directed to file an appeal which is provided for under the Regulation before the Board, within a period of two weeks from the date of receipt of a copy of this order. On such appeal being made, the respondent Board is directed to dispose of the appeal on merits, without insisting on the limitation aspect and pass appropriate orders within a period of six weeks thereafter.

4. It is open to the petitioner to raise all his contentions including the contention that another official involved in the same charge has been given a minor penalty of censure. This aspect also can be considered by the respondent Board while passing appropriate orders in this regard.

5. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gsk

To

1.The Chairman-cum-Managing Director,
TANGEDCO,
144, Anna Salai, Chennai 600 002.

2.The Superintending Engineer,
Distribution South,
144, Anna Salai, Chennai 600 002.

+1 CC to Mr.K.Ravi Anantha Padmanaban, Advocate sr 41880.
+1 CC to Mr. Karthik Rajan, Advocate sr 41673.

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PPA(CO)
SP(05/02/2021)