



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLC.(MD)No.3 of 2020 in
W.P.(MD)No.8880 of 2012

WEB COPY

M.Durai

... Petitioner/Petitioner

Vs.

1. The Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. By its Chairman/Managing Director,
Anna Salai, Chennai.
2. The Chief Engineer(Distribution),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Regional Office, K.Pudur,
Madurai.
3. The Superintending Engineer,
Sivagangai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Sivagangai.
4. The Executive Engineer(Distribution),
Divisional Office,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Karaikudi.

... Respondents/Respondents

Prayer : Review petition is filed under Order 47 Rule 1 and 2 r/w. Section 114 of C.P.C., to review the order dated 10.04.2019 passed in W.P.(MD)No.8880 of 2012.

Prayer in W.P.(MD)No.8880 of 2012:

Writ Petition is 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 of the third respondent in Memo No.04223/105/ Vu.Ni .Aa/ Ni.Pi.3 / Udavi.2/ Ko.O.Na./ 2007-5 dated 14.06.2011 as confirmed by the second respondent in Memo No.013948/219/T2/2011-5 dated 27.04.2012 and consequential proceedings of the respondents 3 and 4 in Memo No.11690/320/Vu.Ni.Aa/Ni.Pi.3/Vu.1/2011 dated 27.12.2011 issued by the third respondent and memo No.Se.Po/Pa./Karai/Ni.Ma/Udavi-4/Kho.Thani/A No784/12 dated 22.05.2012 issued by the fourth respondent respectively and quash the same and to forbear the



respondents from in any manner making recovery of Rs.1,00,000/- from the petitioner.

For Petitioner : Mr.A.Prasanna Rajadurai
For Respondents : Mr.Sakthi Kumaran

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O R D E R

The review applicant earlier filed W.P.(MD)No.8880 of 2012 challenging the punishment imposed on him by the employer. The writ petition was allowed by order dated 10.04.2019. Since dispute arose between the petitioner and the employer as regards the calculation of interest, this review application came to be filed.

2. The learned standing counsel appearing for the respondents submitted that in as much as the petitioner did not abide by the undertaking earlier given before this Court, the entire order dated 10.04.2019 stood automatically recalled and this review petition has to be dismissed as there is nothing to review.

3. The facts pertaining to the case have been set out in the earlier order dated 10.04.2019 and therefore I do not deem it necessary to repeat them here. Suffice it to say that the orders impugned in the writ petition were quashed in view of the technical omission committed by the employer. The case against the writ petitioner rested on an inspection report but the same was not marked during the enquiry. No witness spoke about the contents of the inspection report/ valuation report.

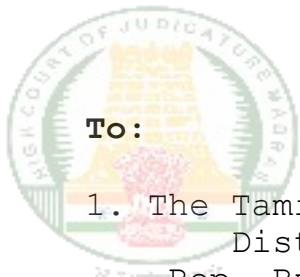
4. I am therefore of the view that the order setting aside the orders impugned in the writ petition can very well stand but in as much as the writ petitioner has not adhered to the undertaking given before this Court, the disciplinary action will have to necessarily continue against the petitioner herein. The enquiry earlier conducted against the petitioner will of course stand. The employer has to examine one more witness for marking the inspection report and valuation report. Of course the petitioner will have to be given one more opportunity to canvass his contentions before the enquiry officer. Thereafter, the law will take its own course.

5. With this liberty to the respondents herein, this review application stands disposed of. No costs.

Sd/-

Assistant Registrar

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