

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.04.2021

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.9999 of 2021
and W.M.P.No.10622 of 2021

Mr.R.Rukmangathan
S/o.V.Ranganathan, Assistant Executive
Engineer/O & M/Medavakkam,
Tamil Nadu Electricity Board (now under suspension)
Plot No.12, Door No.7, 1st Cross Street,
Subbaraya Nagar, Chrompet,
Chennai - 600 044.Petitioner

Vs.

1.The Chairman cum Managing Director,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

2. The Superintending Engineer, CEDC/South-II,
Tamil Nadu Electricity Board,
K.K.Nagar, Chennai - 78.

3. The Executive Engineer,
Operation/Taramani,
MGR Road, Taramani 230 KV-SS,
Chennai - 113.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus by calling for records and quashing the impugned order dated 06.04.2021 of the 3rd respondent vide Memo.No.EE/O/Tmy-230KV-SS/AEE-Mtce/AE/CA/F.Prov/D.No.49/2021 relieving the petitioner as Asst. Executive Engineer (AEE) with effect from 06.04.2021 forenoon with a further direction to report for duty immediately in the reduced rank as Asst. Engineer in TANGEDCO during the pendency of the appeal before the Appellate Board, namely Tamil Nadu Electricity Board (TNEB) as directed by this Hon'ble Court in W.P.No.18043 of 2020 and confirmed in W.A.No.334 of 2021 and consequently direct the respondents 1 and 2 to retain petitioner in his present cadre of Asst. Executive

Engineer (AEE) at Taramani, TANGEDCO, Chennai until disposal of the main appeal before the Appellate Board.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents : Mr.Karthick Rajan
Standing Counsel

ORDER

The petitioner has been imposed with penalty of reduction in rank. He has raised a ground that the other two Officers involved in this case imposed with a lesser punishment of Censure, whereas in his case reduction in Rank was ordered.

2. When the punishment order was challenged by him, the learned Single Judge has dismissed the writ petition giving liberty to the petitioner to raise all the issues before the Appellate Authority. Against which, the petitioner has preferred a Writ Appeal. The Hon'ble Division Bench while confirming the order of learned Single Judge had granted a weeks time for preferring the appeal without insisting on the period of limitation. Again on 06.04.2021, the authorities have implemented the order of rejection in rank. Immediately, the petitioner has filed a contempt petition before the Division Bench in Contempt Petition S.R.No.38947 of 2021. The Hon'ble Division Bench had refused to revise the order and closed the contempt petition as misconceived one. Again the petitioner has approached this Court challenging the implementation order of the Authority.

3. According to the learned counsel for the petitioner, pending appeal, he could not be reverted and it was not intended by the Division Bench is there. What was intended by the Hon'ble Division Bench is that till the order is passed in appeal, the penalty order shall not be carried out.

4. The Hon'ble Division Bench more than once refused to interfere with the punishment imposed on the petitioner. While dealing with the contempt petition, it was clearly observed that it was misconceived one and refused to interfere with the implementation order. In such a situation, when the Division Bench seized of the issue and rendered a decision, it is not proper to interfere with the same order. If at all the petitioner wants to get modification, he has to approach the Hon'ble Division Bench. Unless there is a stay of implementation

order, he has no other option other than joining the reverted post. However, it is made clear that it is open to the petitioner to get clarification from the Hon'ble Division Bench. This Court is not inclined to interfere with the order seized of and decided by the Hon'ble Division Bench. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msv

To

1.The Chairman cum Managing Director,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

2. The Superintending Engineer, CEDC/South-II,
Tamil Nadu Electricity Board,
K.K.Nagar, Chennai - 78.

3. The Executive Engineer,
Operation/Taramani,
MGR Road, Taramani 230 KV-SS,
Chennai - 113.

+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate, S.R.No.25130.
+1cc to Mr.Karthik Rajan, Advocate, S.R.No.25468.

सत्यमेव जयते

W.P.No.9999 of 2021
and W.M.P.No.10622 of 2021

AK-I (CO)
CSR 30.04.2021

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