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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.22685 of 2021

(Through Video Conferencing)

K.Natesan

... Petitioner

Vs.

1.The Board (Appellate Authority),
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai - 600 002.

2.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation
Limited,
(TANGEDCO), Secretariat Branch,
No.144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
Palladam Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Palladam - 641 664.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the first respondent herein in No.(PER) CMD TANGEDCO Proceedings No.90, Secretariat Branch, dated 03.05.2021 and quash the punishment of compulsory retirement from service and consequently direct the respondent herein to confer all the consequential benefits with due regard to petitioner's seniority to the petitioner.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mr.P.Subramaniam
Standing Counsel



ORDER

The petitioner has filed an appeal before the 1st respondent (Appellate Authority) on 12.06.2021 pursuant to an order dated 27.05.2021 of this Court in W.P.No.12038 of 2021.

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2. Appearing on behalf of the petitioner, the learned counsel for the petitioner submits that the entire disciplinary proceedings initiated by the 2nd and 3rd respondent is vitiated. In any event, it is further submitted that the punishment imposed on the petitioner by way of compulsory retirement the petitioner from service is disproportionate. It is submitted there is no loss to the 2nd and 3rd respondents/Electricity board, that the impugned order cannot sustained by the for compulsory retirement, the petitioner is liable to be interfered in as much as the 1st respondent has not been considered for entertaining the appeal of the petitioner in terms of order dated 27.05.2021 in W.P.No.12038 of 2021.

3. The learned counsel for the respondent submits that appropriate order will be passed by the Electricity Board.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

5. The petitioner may have a legitimate grievance manner in which the punishment has been awarded by the respondents. However, the petitioner has filed the appeal before the 1st respondent on 12.06.2021 pursuant to direction of this Court in W.P.No.12038 of 2021 dated 27.05.2021 for being the case, the question of interfering with the order passed by the 2nd respondent Superintending Engineer, Office of the 2nd respondent cannot be interfered at the stage in this writ petition. However, to meet the ends of justice and considering the fact that the petitioner is likely to retired from service, The 1st respondent is directed to consider and pass appropriate orders on the appeal filed by the petitioner within a period of 30 days from the date of receipt of a copy of this order. As already 60 days time granted by this Court vide its order dated 27.05.2021 was lapsed. This is a final chance to the 1st respondent to pass appropriate orders which the petitioner will be given liberty to approach this Court to interfered with the punishment order by the 2nd respondent.

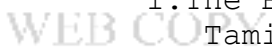
6. This Writ Petition stands disposed with the above observations. No costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar



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No.144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
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W.P.No.22685 of 2021

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