



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.16396 of 2012

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K.Selvarani

... Petitioner

vs.

- 1.The Chief Engineer (Personal),
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
144, Anna Salai,
Chennai-600 002.
 - 2.The Chief Engineer/Appellate Authority,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Tirunelveli Region,
Tirunelveli.
 - 3.The Superintending Engineer/Disciplinary Authority,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Viruthunagar Electricity Distribution Circle,
Viruthunagar-1.
- ... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order dated 05.11.2011 made in appeal proceedings No.Ku.Aa.No.02730/54/Ni.Bi./C1/11 on the file of appellant authority the 2nd respondent herein and quash the same as illegal consequently to direct the respondents to reinstate the petitioner into the service as Assessor / Gr.II Trainee with all attending benefit and continuity in service.

For Petitioner : Mr.S.Karthick
For R-1 to R-3 : Mr.T.Sakthi Kumaran

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order, dated 05.11.2011 passed by the second respondent and consequently, to direct the respondents to reinstate the petitioner as Assessor/Grade-II, with all attendant benefits.



2.Heard Mr.S.Karthick, learned Counsel for the petitioner and Mr.T.Sakthi Kumaran, learned Counsel for the respondents.

3.The petitioner's husband, by name, S.Kothandaramulu, was working as a Commercial Assistant in the Tamil Nadu Electricity Board. The petitioner's husband died while he was in service in 2004 due to a road accident. After the death of the petitioner's husband, the petitioner applied to the Electricity Board seeking appointment on compassionate ground. After considering the application submitted by the petitioner, she was appointed as Assessor/Grade-II trainee on 31.07.2008.

4.Surprisingly, even before completion of probation, there were serious allegations against the petitioner and she was suspended on 14.08.2009 in contemplation of disciplinary proceedings to be initiated against the petitioner. A charge memo was issued to the petitioner specifically alleged that the petitioner had misappropriated the funds of the Electricity Board. The other charges are that the petitioner had not obeyed the orders of her superiors by taking table reading, instead of going to consumers house for taking readings.

5.The Assistant Executive Engineer, Virudhunagar, was appointed as Enquiry Officer to conduct the domestic enquiry, as the petitioner has chosen to deny the charges. After conducting the enquiry, the Enquiry Officer submitted his report finding that the petitioner is guilty of all the charges. Thereafter, the petitioner was given second show cause notice and she was removed from Board's service by an order of the third respondent, dated 24.01.2011. The petitioner, thereafter, preferred an appeal before the second respondent on 24.02.2011 and the second respondent also confirmed the order of the third respondent and rejected the appeal filed by the petitioner by order, dated 05.11.2011. Challenging the order of the appellate authority, dated 05.11.20211, the petitioner has preferred the above Writ Petition.

6.This Court noticed that the learned Counsel for the petitioner has not even enclosed the charge memo, that was issued to the petitioner or any other documents to support his case.

7.The learned Counsel for the petitioner raised the following grounds:

a)The petitioner was not at all furnished with the copy of enquiry report before inflicting the punishment.

b)The whole proceedings initiated against the petitioner were at the instance of some persons inside the department, who had



acted against the petitioner's interest.

c)The appellate authority did not consider any of the points and issues raised by the petitioner and that the order of appellate authority is in violation of principles of natural justice.

d)All the charges levelled against the petitioner are vague and that no single instance of misappropriation was mentioned in the charge memo.

8.None of the points raised by the petitioner in the affidavit filed in support of the Writ Petition could be sustained on merits. First of all, the charges against the petitioner are specific and serious. The petitioner was appointed on compassionate ground. Within a short period of one year, the petitioner indulged in serious irregularities and misconduct by misappropriating the funds of Board. As per the findings of the Enquiry Officer, the petitioner has not gone to individual consumers. The petitioner was in the habit of recording the reading without going to the premises of the consumers. Both the charges are proved and hence, the punishment of removal from Board's service is not illegal.

9.It is to be noted that the petitioner, who is expected to be sincere and honest, has unfortunately found to be a dishonest employee of the Board. The post of Assessor is a simple job. The manner of misappropriation, as alleged in the charge memo and found in the enquiry report, will establish the fact that the petitioner can never be allowed to exist in the Board's service. This Court has no reason to interfere with the findings of the disciplinary authority or appellate authority. Having regard to the limited scope of judicial review, this Court is unable to find any irregularity in the decision making process. As against the concurrent findings of the original authority as well as the appellate authority, the learned Counsel for the petitioner has not pointed out any error or irregularity or illegality either in the decision or decision making process.

10.The learned Counsel for the respondents submitted that the petitioner has not even completed probation and that therefore, the petitioner can not even be considered as an employee of Electricity Board. Having initiated disciplinary proceedings and terminated the service of the petitioner by impugned order, it is unfortunate that the learned Counsel for the respondent has come up with a plea, which would frustrate the whole proceedings initiated against the petitioner and hence, submission of the the learned Counsel for the respondent is ignored with the caution to the Electricity Board to keep vigil over the officers, who are



representing the respondents in this case.

11. For the foregoing reasons, this Court has no reason to entertain this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1. The Chief Engineer (Personal),
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Limited (TANGEDCO),
Viruthunagar Electricity Distribution Circle,
Viruthunagar-1.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-27252[F] dated 25/08/2021)

W.P. (MD) No.16396 of 2012
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MA (CO)
SB (13.09.2021) 4P 5C