



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.1125 of 2021
and W.M.P. (MD)No.978 of 2021

N.Dhanasekaran

: Petitioner

Vs.

1.The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Rep.by its Chairman,
No.144, Annasalai,
Chennai-2.

2.The Executive Engineer,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Powerhouse, Periyar,
Kanyakumari District.

3.The Superintending Engineer,
O/o. The Superintending Engineer,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tirunelveli, Tirunelveli District.

4.The Additional Chief Engineer,
The Tamil Nadu Generation Distribution
Corporation Limited (TANGEDCO),
Maharajanagar, Tirunelveli,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the third respondent in his proceedings Ku.Aa.No.ST-254/686/ST-276/722/Nipi.1/NiOo.1/Ko.Kattu/2020, dated 10.12.2020.

For Petitioner : Mr.H.Mohammed Imran,
for M/S.Ajmal Associates

For Respondents : Mr.T.Sakthikumaran, Standing Counsel

**ORDER**

Heard Mr.H.Mohammed Imran, learned counsel appearing for the petitioner. Mr.T.Sakthikumaran, learned Standing Counsel accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner herein was issued with the charge memo on 19.12.2019, pursuant to which an enquiry was conducted. The enquiry report, dated 28.08.2020 was furnished to the petitioner and he was asked to give his further explanation. Accordingly, the petitioner had given his further explanation on 15.09.2020 to the third respondent, running to 9 pages.

3.In this background, the third respondent herein has passed the impugned notice, dated 10.12.2020 wherein the petitioner was called upon to give his explanation as to why he must not be given the punishment of 'demotion to one step lower post'.

4.The main ground raised by the petitioner is that though he had rendered his further explanation on 15.09.2020, pursuant to the enquiry report, the third respondent has not taken into account his objections while passing the impugned order, dated 10.12.2020.

5.A perusal of the impugned order would reveal that the third respondent had dealt with the petitioner's further explanation in one line, stating that, the explanation was un-acceptable and not satisfactory. None of the objections raised by the petitioner has been dealt with while the impugned order was passed.

6.The very purpose of calling for an explanation, pursuant to the enquiry report, is only to afford him an opportunity to put forth his objections which he may have and non-consideration of the same would render, such calling for the explanation itself an empty exercise. Apart from this, the non-consideration of the explanation would also amount to violation of the principles of natural justice. In this background, the impugned notice, dated 10.12.2020 proposing punishment itself cannot be sustained.

7.In the light of the above observations, the impugned notice, dated 10.12.2020 is quashed. The third respondent is called upon to re-consider the petitioner's further explanation dated 15.09.2020 once again and pass a reasoned and speaking order, by addressing all the objections raised by the petitioner in his further explanation. Such an exercise of passing the order shall be done as expeditiously as possible. Accordingly, this writ



petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

gns

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2244[F] dated 27/01/2021)

W.P. (MD)No.1125 of 2021

DKS (CO)

TR(09.02.2021) 3P 2C