



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.5511 of 2012

and

M.P. (MD)No.1 of 2012

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N.Indira

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai, Chennai-600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai, Chennai-600 002.

3.The Chief Engineer(Distribution),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tirunelveli Region, Tirunelveli.

4.The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Nagercoil, Kanyakumari District.

5.A.Bagavathiappan Pillai,
Superintending Engineer(then),
Kanyakumari Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Nagercoil, Kanyakumari District.

And now

The Chief Engineer(Distribution),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tirunelveli Region, Tirunelveli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records relating to the proceedings of the fourth respondent vide Memo Ku.No.0102011/Ni.Pi.3/D1/2011, dated 08.10.2011 and quash the same.



For Petitioner : Mr.T.Arul

For Respondents : Mr.T.Sakthikumaran
Standing Counsel for R.1 to R.4

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ORDER

This Writ Petition is filed seeking for issuance of a Writ of Certiorari to call for the records relating to the proceedings of the fourth respondent in Memo Ku.No.0102011/Ni.Pi.3/D1/2011, dated 08.10.2011 and quash the same.

2. The case of the petitioner is that she joined in the respondent Board as a Technical Assistant in the year 1988 through direct recruitment. After completion of B.E., she was selected as Assistant Engineer (Electrical) by internal selection in the year 2002. The petitioner rendered her services in various circles and joined as Assistant Engineer/Materials Management, in the office of the Superintending Engineer, Kanyakumari Distribution Circle at Nagercoil on 13.09.2008 and she has rendering her service to the fullest satisfaction of the Board without any blemish whatsoever. While so, when the petitioner was working in the Materials Management Section of the Circle Office, she was entrusted with the responsibility of processing papers and there was a malpractice in the tender opening system and the petitioner was not responsible for the misdeeds committed by the officials. Further, the petitioner also sent a representation to the third respondent on 02.03.2010 exposing the misdeeds committed by the fifth respondent, who was holding the post of fourth respondent. In response to that only a charge memo, dated 08.10.2011, has been issued against the petitioner.

3. Learned Counsel appearing for the petitioner would submit that when this writ petition was coming up for admission, accepting the plea of the petitioner, this Court granted an order interim stay on 23.04.2012 and thereafter, the petitioner came to know that prior to the order of this Court, the charge memo, dated 08.10.2011, was concluded by way of issuing warning to the petitioner, on 04.04.2012. However, the said warning order was served on the petitioner only on 08.05.2012, after the interim order granted by this Court. Hence, the learned Counsel appearing for the petitioner would pray for appropriate orders.

4. Learned Standing Counsel appearing for the respondents 1 to 4 would submit that warning itself is not a punishment and the charge memo dated 08.10.2011 issued against the petitioner was concluded and the authority has also issued warning on 04.04.2012 against the petitioner and hence, nothing survives for adjudication



5. Recording the above submission made by the learned Standing Counsel appearing for the respondents 1 to 4, this Writ Petition is closed, with liberty to the petitioner to work out her remedy in the manner known to law, if so advised. No costs. Consequently, the connected Miscellaneous Petition is also closed.

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Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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.

To

- 1.The Chairman cum Managing Director,
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- 2.The Chief Engineer (Personnel),
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- 4.The Superintending Engineer,
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Tamil Nadu Generation and Distribution
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Nagercoil, Kanyakumari District.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-2642[F] dated
01/02/2021)

W.P(MD)No.5511 of 2012

29.01.2021

NR (10/02/2021) 3P : 6C

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