



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P (MD) Nos. 5512 and 5513 of 2012

and

M.P. (MD) Nos. 1 and 2 of 2012

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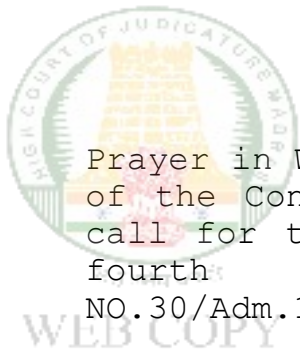
N.Indira ... Petitioner in both W.Ps
Vs.

- 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 in both W.Ps

Prayer in W.P. (MD) No. 5512 of 2012 : Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records relating to the impugned order passed by the fourth respondent in his proceedings vide Memo NO.30/Adm.111/D.1/2011-1, dated 03.06.2011 and quash the same.



Prayer in W.P. (MD) No. 5513 of 2012 : Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records relating to the impugned order passed by the fourth respondent in his proceedings vide Memo NO.30/Adm.111/D.1/2011-1, dated 03.06.2011.

For Petitioner
in both petitions : Mr.T.Arul

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

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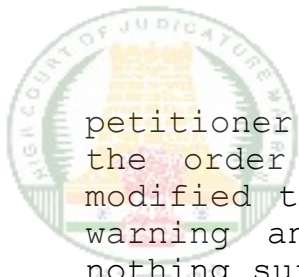
COMMON ORDER

Both the writ petitions are filed seeking for issuance of a Writ of Certiorari to call for the records relating to the proceedings of the fourth respondent in his proceedings vide Memo NO.30/Adm.111/D.1/2011-1, dated 03.06.2011.

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, the above said impugned order was passed by the fourth respondent by imposing the punishment of censure.

3. Learned Counsel appearing for the petitioner would submit that when both the writ petitions were coming up for admission, accepting the plea of the petitioner, this Court granted an order interim stay on 23.04.2012. 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 after filing of the writ petitions, the



petitioner filed an appeal before the appellate authority against the order of punishment of censure and the appellate authority modified the said order of punishment of censure as to the one of warning and the warning itself is not a punishment and hence, nothing survives for adjudication in these matters.

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5. Recording the above submission made by the learned Standing Counsel appearing for the respondents 1 to 4, both the Writ Petitions are 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 Petitions are also closed.

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 Magisng 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.

+2 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-2643, 2644[F] dated
01/02/2021)

W.P (MD) Nos. 5512 and 5513 of 2012

29.01.2021

SV2 (CO)
NR (10/02/2021) 4P : 7C