



WEB COPY



W.P.No.25505 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.25505 of 2014

M.Sivakolunthu

... Petitioner

Vs.

1.The Chairman-cum-Managing Director,
TANGEDCO,
No.800, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer (Distribution),
TANGEDCO,
Tatabad, Coimbatore.

3.The Additional Chief Engineer,
CEDC/Metro,
TANGEDCO, Tatabad,
Coimbatore.

4.The Superintending Engineer
(Distribution) Metro Circle,
TANGEDCO, Tatabad,
Coimbatore – 641 012.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records with respect to the proceedings of the 4th respondent in Ku.AA.No.11/28 NiPi 3(1)/Ko.O.Na/99-4 dated 27.05.1999 and quash the same and, consequently, direct the respondents to pay all the consequential benefits including all promotional monetary benefits to the petitioner based on the findings of the Committee Report dated 08.03.2007 and 23.12.2010.



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For Petitioner : Mr.S.Senthil Kumar

For Respondents : Mr.P.Subramanian
[For TANGEDCO]

ORDER

The order of punishment dated 27.05.1999, imposing the punishment of stoppage of increment for three years with cumulative effect is under challenge in the present writ petition.

2. The writ petitioner was working as an Accounts Assistant in the Metro Distribution Circle, Tamil Nadu Electricity Board, Coimbatore and retired from service on 31.05.1999. The petitioner was entrusted the work of Stores custodian and on account of certain financial loss in dealing with the materials belongs to TANGEDCO, the disciplinary proceedings were initiated against the writ petitioner and a charge memo was issued. After conducting an enquiry by affording opportunity to the writ petitioner, the final order in disciplinary proceedings was issued by the Superintending Engineer in proceedings dated 27.05.1999, imposing the penalty of stoppage of increment for three years with cumulative effect.

3. The writ petitioner had not preferred any appeal and the order of punishment has become final. After several years, the petitioner filed an application before the Grievances Committee and the Committee



adjudicated the issues regarding the shortage of Stores materials and ordered for reimbursement of certain amounts with reference to such shortages.

4. The learned Standing Counsel appearing on behalf of the respondents made a submission that as per the recommendations of the Committee the amount asked to refund was refunded to the writ petitioner except a sum of Rs.29,253/- (Rupees Twenty Nine Thousand Two Hundred and Fifty Three) and the balance amount of Rs.1,51,856/- (Rupees One Lakh Fifty One Thousand Eight Hundred and Fifty Six) was paid on 16.07.2007 and a sum of Rs.1,17,263/- (One Lakh Seventeen Thousand Two Hundred and Fifty Three) was paid on 18.10.2010. The petitioner also had received the same.

5. As far as the punishment is concerned, the punishment was imposed in disciplinary proceedings and the said punishment became final with reference to the order dated 27.05.1999 and therefore, the writ petition filed after a lapse of about 15 years from the impugned order of punishment, which cannot be entertained and the writ petition is liable to be rejected on the ground of laches.



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6. That apart, the learned counsel for the petitioner relied on the committee's recommendations. As far as the Committee's recommendations are concerned the amount of shortage recovered was reimbursed. Thus, there is no further adjudication is required regarding the impugned order of punishment.

7. Accordingly, the Writ Petition stands dismissed on the ground of laches. No costs.

07.07.2022

Jeni/Ep

Index : Yes

Speaking order : Yes

To

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