



W.P.(MD)No.812 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.812 of 2020
and
W.M.P.(MD)No.591 of 2020

K.Vinod

... Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO,
Trichy Electricity Distribution Circle,
Trichy Metro,
Trichy 20.

2. The Executive Engineer,
TANGEDCO,
Operation and Maintenance,
Trichy East Division,
Trichy 20.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari, calling the records relating to the



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proceedings of the 2nd Respondent made in Ku.Aa.No.1646-1/Ne.Pe/Uoo.1/Koo.O. Na/2019 dated 13.02.2019 and the consequential proceedings of the 1st Respondent made in Ku.Aa.No.228/Ne.P.4/Uoo.1/Koo.O. Na/2019-1 dated 21.11.2019 and quash the same.

For Petitioner : Mr. M.Suresh Kumar
For Respondents : M/s. M.Parameswari
Standing Counsel

ORDER

This writ petition has been filed to quash the proceedings of the 2nd Respondent made in Ku.Aa.No.1646-1/Ne.Pe/Uoo.1/Koo.O. Na/2019 dated 13.02.2019 and the consequential proceedings of the 1st Respondent made in Ku.Aa.No.228/Ne.P.4/Uoo.1/Koo.O. Na/2019-1 dated 21.11.2019.

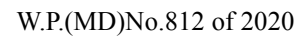
2. The learned counsel for the petitioner submitted that the petitioner is a B.E., graduate and joined in the respondent department as Assistant Engineer in the year 2008 at Kadamparai Power House, Nilgiri District. Subsequently, transferred to Trichy Metro Limit and posted at



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Thiruparayadurai Division as Assistant Engineer. In the said division, there are more than 17 thousand service connections available within the limit of Thiruparayadurai. The petitioner is the only Assistant Engineer to monitor the entire system of electricity supply. Further, there are Foremen, Wiremen and Helpers who are available to attend the day-to-day needs of customer service. From the date of his service, the petitioner rendered his service without any remarks. The second respondent issued a charge memo, dated 24.12.2018 and sought for explanation upon the same. In the charge memo, seven issues are framed as if the petitioner had failed to supervise the wireman, had received bribe of Rs.500/- and Rs.2,000/- respectively from the respective consumer in various area meter holder, for which, they conduct an enquiry and imposed a punishment of stoppage of increment for one year without cumulative effect. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner submitted that though the present writ petition is filed only on the ground of procedural aspects, however, the counter affidavit reveal the person, who received the bribe was





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cumulative effect excluding the period spent on leave, whereas the petitioner was imposed with a punishment for a period of one year stoppage of increment without cumulative effect, which is not sustainable one and the same is a colourable exercise of power and it is arbitrary. Hence, the impugned punishment is set aside and the impugned punishment is modified to the extent on par with other Wireman.

6. The Writ petition is disposed of with modification and the impugned order of punishment is modified as follows :

The petitioner imposed with a punishment of stoppage of increment for six months without cumulative effect, excluding the period spent on leave. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2022

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

RM

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