



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4558 of 2021 and
W.M.P.Nos.5183 & 5643 of 2021 and
W.M.P.No.12146 of 2023

S.Subramaniyan

... Petitioner

Vs.

1.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai 600 002.

2.The Chief Engineer / Distribution,
Chennai Region (south),
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
No.144, Anna Salai,
Chennai 600 002.

3.The Superintending Engineer,
Chengalpattu Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Chengalpattu.

... Respondents



WEB COURT

PRAYER : This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the concerned records relating to the order vide Ku. No.349/Me.Po./ TANGEDCO (CH)/ Ni.A/Ni.Me/Ni.Pi.2/ Asst.2/File O.N./2020 dated 23.07.2020 passed by the third respondent and order vide Ku.No.117/Tha.Po./ Vi./Se.Ma./The./ Ni.Pg.A./ Asst.1/Ko. Individual/2020dated 23.12.2020 passed by the second respondent and quash the same and consequently, direct the respondents 2 and 3 to include the name of the petitioner in the list panel for promotion to the post of Assistant Executive Engineer.

For Petitioner : Mr.K.Sathiyavel

For Respondents : Mr.David Soundar Singh, Standing Counsel for
Mr.P.R.Dhilip Kumar

ORDER

The petitioner has filed this Writ Petition to issue a Writ of Certiorarified Mandamus to call for the concerned records relating to the order vide Ku.No.349/Me.Po./ TANGEDCO (CH) /Ni.A/Ni.Me/Ni.Pi.2/ Asst.2/File O.N./2020 dated 23.07.2020 passed by the third respondent and order vide Ku.No.117/Tha.Po./Vi./Se.Ma./ The./Ni.Pg.A./Asst.1/Ko. Individual/2020 dated 23.12.2020 passed by the second respondent and



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quash the same and consequently, direct the respondents 2 and 3 to include the name of the petitioner in the panel list for promotion to the post of Assistant Executive Engineer.

2. Heard Mr.K.Sathiyavel, learned counsel for the petitioner and Mr.David Soundar Singh, learned Standing Counsel for the respondents.

3. The petitioner was working as an Assistant Engineer in the respondent Board. The third respondent has initiated disciplinary proceedings against the petitioner by issuing a charge memo dated 08.05.2019. After enquiry was initiated against the petitioner, the petitioner was found to be guilty as against the first charge and the second charge was dropped as not proved. The petitioner was imposed with the punishment of reduction of one increment. The appeal filed by the petitioner was also dismissed.

4. The learned counsel for the petitioner submitted that the petitioner has already given his representation by stating that essential



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documents were not furnished to him. But that was not considered at the time when the appropriate authority had considered the enquiry report and passed order of imposing of punishment of stoppage of increment for one year with cumulative effect including leave period spent, if any. The appellate authority has also confirmed the order of the appropriate authority, but without discussing about the grievance of the petitioner where he has stated that the copies of the relevant documents which were relied by the Department were not furnished to him and further, in the order of punishment, there is no consideration about the past service record of the petitioner. The above fact was not considered by the appellate authority as well.

5. Hence, I feel it is appropriate to remand the matter to the appellate authority to consider the above aspects and pass orders afresh.

6. In the result, this Writ Petition is disposed and the matter is remanded back to the appellate authority to consider the above aspects and pass orders afresh within a period of six weeks from the date of



receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

19.12.2023

Index : Yes

Internet : Yes/No

gsk

To

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R.N.MANJULA, J.

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