



WEB COPY



W.P.No.5256 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.10.2023

CORAM

THE HON'BLE **MRS.JUSTICE R.N.MANJULA**

W.P.No.5256 of 2020
and W.M.P.No.6213 of 2020
and W.M.P.No.23924 of 2023

G.Selva Moorthy

... Petitioner

Vs.

1.Superintending Engineer
Tiruvanamalai Electricity,
Distribution Circle,
TANGEDCO,
Thiruvanamalai District.

2.The Executive Engineer,
Operation and Maintenance Division,
TANGEDCO,
Vandavasi,
Thiruvanamalai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the orders (i) Ku.Aaa.No.Se.Po.[E&Pa]Va.Vaa.00.Ne.Mo.Nee.00/Ko.O.Na.29.01.2019, dated 21.10.2019 of the second respondent and (ii) Ku.Aa.No.698/Ni.Pi.3/Ni.00.1/Ko.Me.Mu.E.00/2020 dated 31.01.2020 of the first respondent and quash the same and to issue consequential directions to the respondents to restore the increment withheld and disburse consequential monetary benefits.



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For Petitioner

:Mr.D.Rajagopal

For Respondents

:Mr.K.Rajkumar
Standing Counsel for TNEB

ORDER

This Writ Petition has been filed calling for records relating to the orders of the first respondent, quash the same and issue a direction to the respondents to restore the increment and disburse the monetary benefits.

2.The petitioner is working as a Special Grade Foreman with the respondent TANGEDCO. He was issued with a charge memo on 02.11.2016 by the Executive Engineer, Operation and Maintenance, Vandavasi, in connection with his absence from duty from 04.05.2014 to 09.05.2014, while he was working as a foreman in 110 KV SS, Vandavasi, without any prior intimation. The petitioner was arrested and remanded to judicial custody in Cr.No.184 of 2014 under Sections 294(b), 323, 355, 506(i) IPC registered by Vandavasi South Police Station. Due to this reason, he was absent from duty from 04.05.2014 to 09.05.2014. The petitioner is also charged for suppressing the fact that he was arrested and remanded to judicial custody from the Department. The disciplinary proceedings have been initiated against him and the charges have been proven.

He was given the punishment of stoppage of increment for one year with the



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cumulative effect, including the period he spent on leave. The appeal preferred before the second respondent was also dismissed, confirming the order of the first respondent.

3.Learned counsel for the petitioner submitted that the petitioner did not have any intention to suppress the fact that he was arrested and kept in judicial custody, and he did not suppress any material facts. He further submitted that the petitioner was not able to inform the authorities as he could not contact anyone while in judicial custody. The proceedings of the first and second respondents have procedural illegalities. Hence, the petitioner has filed this Writ Petition seeking to quash the order of the first respondent.

4.The second respondent has filed a counter by stating that in an enquiry, the explanation given by the petitioner came to be proved as false, and the petitioner had purposefully suppressed the fact that he was in judicial custody, and the charges against him were proven. Since the suppression of the fact about his arrest and detention in judicial custody is an act of misconduct as per Regulation 30(IV) and (XXXIII) of Tamil Nadu Electricity Board Standing Orders, and it is the right of the authorities to record the findings of guilt against the petitioner and punish him.



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5.Heard Mr.D.Rajagopal, the learned counsel for the petitioner as well as Mr.K.Rajkumar, the learned Standing Counsel for TNEB and have perused the materials available on record.

6.As far as the disciplinary proceedings are concerned, the Writ jurisdiction of this Court cannot be invoked like that of an appellate forum over the orders of the disciplinary authority. In the disciplinary proceeding initiated against the petitioner, he was given with a fair opportunity to defend himself, and there is no allegation that the disciplinary proceedings has been conducted against the principles of natural justice. The petitioner had also availed the right of appeal and filed an appeal before the second respondent, who had also dismissed the same, by confirming the order of the first respondent. The punishment given to the accused was the stoppage of one annual increment, which is reasonable and not disproportionate to the charges made against him. The fact that the petitioner had involved in criminal proceedings and he was in judicial custody is also not denied. The petitioner has not brought out any grounds to suspect any illegality or material infirmity in the disciplinary proceedings and the consequential orders passed by the first and second respondents.



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7. Since the petition is devoid of any merits, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. No Costs.

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Anu
Speaking / Non Speaking order
Index : Yes / No

To

1. Superintending Engineer
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R.N.MANJULA, J.

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