



W.P.No.13768 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

|                      |            |
|----------------------|------------|
| <b>Reserved on</b>   | 19.01.2023 |
| <b>Pronounced on</b> | 16.02.2023 |

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**W.P.No.13768 of 2019**

S.Mohan

... Petitioner

Vs.

1.The Chief Engineer,  
TANGEDCO,  
Office of the Chief Engineer,  
Electricity Distribution  
Coimbatore.

2.The Superintending Engineer,  
TANGEDCO,  
Office of the Superintending Engineer,  
Udumalpet Electricity Distribution Circle,  
Udumalpet.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records in connection with the impugned order of the first respondent viz., the Chief Engineer, Coimbatore bearing Ref. No. 014650/263/NP3/Asst5/KNO/2012, confirming the order passed by the second respondent viz., the Superintending Engineer, Udumalpet dated 24.07.2018 bearing Ref.CM.No.005660/NP 2(3)/2018 and quash the same.



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For Petitioner : Mr.V.Prakash, Sr. Counsel  
for Mr.K.Sudalai Kannu

For Respondents : Mr.K.Rajkumar, GA

## **O R D E R**

Heard Mr.V.Prakash, learned Senior counsel for the petitioner and Mr.K.Rajkumar, learned counsel appearing on behalf of the respondents.

2. The petitioner herein while serving under the second respondent, was issued with a charge memo on 14.03.2013, alleging riotous behaviour during the working hours on 13.11.2012. Not being satisfied with the explanation to the charge memo, a departmental enquiry was conducted and based on the proven charges, he was imposed with the punishment of 'stoppage of 3% of annual increments and grade pay for a period of two years with cumulative effect', through the order dated 28.01.2014. As against the same, the petitioner had filed an appeal on 04.10.2017. Since the appeal was kept pending, the petitioner has filed a Writ Petition before this Court in W.P.No.15870 of 2018 and by an order dated 28.06.2018, a direction was given to the respondents to dispose of the appeal on merits. On the direction of this Court, on 24.07.2018, an order was



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passed in the appeal by the respondents, rejecting it on the ground that, the grounds raised by the petitioner were not acceptable. Challenging the same, the present Writ Petition has been filed.

3. The learned Senior counsel for the petitioner submitted that, since no reasons has been assigned by the Appellate Authority on the grounds raised by the petitioner herein, the order is liable, to be set aside and sought for remanding back to the first respondent herein, for reconsideration.

4. Per contra, the learned Standing counsel for the respondents submitted that the order of the Appellate Authority, is a well considered order and in view of the fact that since the grounds raised by the petitioner in the appeal were not acceptable, there is no infirmity in the order as such.

5. A perusal of the grounds of the appeal would reveal that the petitioner has raised 10 grounds challenging the original order of punishment. The first respondent ought to have rendered his findings on the grounds raised by the petitioner in his appeal petition, instead of rejecting the same on a single sentence.



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6. This Court had perused the grounds of appeal filed by the petitioner in its appeal petition dated 04.10.2017 and is of the view that there could be some valid grounds for consideration by the Appellate Authority. In this background, by invoking the powers under Article 226 of the Constitution of India, the first respondent could be directed to reconsider the petitioner's appeal petition.

7. In the result, the impugned order dated 24.07.2018, on the file of the first respondent herein, is quashed and the matter is remitted back to the first respondent herein for reconsideration. The first respondent shall consider the petitioner's appeal petition dated 04.10.2017, on its own merits and pass appropriate orders, after giving due opportunity of personal hearing to the petitioner and conclude such proceedings, within a period of three months from the date of receipt of a copy of this order. The Writ Petition stands partly allowed. There shall be no order as to costs.

**16.02.2023**

Internet : Yes/No  
Order : Speaking/Non Speaking  
Neutral Citation : Yes / No  
DP



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To

- 1.The Chief Engineer,  
TANGEDCO,  
Office of the Chief Engineer,  
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Coimbatore.
- 2.The Superintending Engineer,  
TANGEDCO,  
Office of the Superintending Engineer,  
Udumalpet Electricity Distribution Circle,  
Udumalpet.



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**M.S.RAMESH,J.**

DP

**ORDER MADE IN**  
**W.P.No.13768 of 2019**

**16.02.2023**