



W.P.No.16047 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	19.01.2023
Pronounced on	16.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.16047 of 2018
and
W.M.P.No.19067 of 2018

S.Mohan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Certiorarified Mandamus, calling for the records in connection with the impugned order of the first respondent viz., the Superintending Engineer, Udumalpet bearing Ref. No. Charge Memo No.038548/107/M.A/NP3/Asst(5)/2018 dated 15.03.2018, quash the same and further direct the first respondent Superintending Engineer to consider the petitioner appeal dated 23.10.2017 on merits.



WEB COPY



W.P.No.16047 of 2018

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 21.05.2015, alleging riotous behaviour during the working hours on 05.03.2015 at 2.00 p.m. 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 'postponement of annual increments for a period of two years with cumulative effect' through an order dated 29.06.2016. As against the same, the petitioner had filed an appeal on 23.10.2017 which was rejected through the impugned order dated 15.03.2018, only on the ground that the appeal has been belatedly filed after 16 months. Challenging the same, the present Writ Petition has been filed.



W.P.No.16047 of 2018

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 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 appeal requires to be filed within a period of 30 days and the petitioner had belatedly filed it after 16 months, there is no infirmity in the order as such.

5. A perusal of the grounds of the appeal reveals that the petitioner has raised 10 grounds challenging the original order of punishment. Even though the appeal has been belatedly filed, 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 technical aspect.

6. This Court had perused the grounds of appeal filed by the petitioner in its appeal petition dated 23.10.2017 and is of the view



W.P.No.16047 of 2018

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, without reference to the limitation point.

7. In the result, the impugned order dated 15.03.2018 on the file of the first respondent, 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 23.10.2017, 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. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

16.02.2023

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

DP



WEB COPY



W.P.No.16047 of 2018

To

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



WEB COPY



W.P.No.16047 of 2018

M.S.RAMESH,J.

DP

ORDER MADE IN

W.P.No.16047 of 2018
and

W.M.P.No.19067 of 2018

16.02.2023