



W.P.No.16272 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.16272 of 2018
and
W.M.P.No.19376 of 2018

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 Certiorari, calling for the records in connection with the impugned order of the first respondent viz., the Chief Engineer, Coimbatore bearing Ref. No. Charge Memo No.12793/NP2(3)/2017-1 dated 11.12.2017, confirming the order passed by the second respondent viz., the Superintending Engineer, Udumalpet dated 18.02.2013 bearing Ref.CM.No.014650/263/NP3/Asst5/KCN/2012-3 and quash the same.

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



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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 19.03.2012 which has been subsequently revoked by the respondent Board on 18.05.2012. But however, on the same day, the charge memo dated 19.03.2012 was reissued to the petitioner, alleging riotous behaviour during the working hours on 17.02.2012. 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 increment basic and grade pay for three years with cumulative effect', through an order dated 18.02.2013. As against the same, the petitioner had filed an appeal on 08.08.2017 which was rejected through the impugned order dated 11.12.2017, on the ground that the petitioner has not furnished any evidence. Challenging the same, the present Writ Petition has been filed.



3. The learned Senior counsel for the petitioner submitted that the order of the first respondent herein is a 'non speaking order', since no reasons has been assigned for his rejection.

4. Per contra, the learned Standing counsel for the respondents submitted that the first respondent's order is a well considered order, since the charges, findings of the Enquiry Officer and the explanation of the petitioner has been duly considered and hence, there is no infirmity in the order.

5. A perusal of the impugned order would reveal that, apart from narrating the charges and the procedure adopted by the Enquiry Officer, as well as the issuance of the show cause notice, no other independent reason has been assigned by the Appellate Authority for rejection of the appeal. It is needless to point out that, when an appeal is filed challenging any order of punishment, the First Appellate Authority is required to consider as to whether the facts involved in the case have been properly established, based on the evidences before the Enquiry Officer and also, as to whether the punishment is proportionate to the levelled charges. But in the present case on hand, except for a single sentence that no evidence has been furnished in the impugned order,



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there is no other findings. In the absence of the same, the order is deemed to be a 'non speaking order'.

6. In the result, the impugned order dated 11.12.2017 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 08.08.2017, 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



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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.16272 of 2018

and

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