



W.P.No.25259 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25259 of 2014

P.Gunasekaran

... Petitioner

-Vs-

1. The Presiding Officer,
Labour Court, Cuddalore.
2. The Management,
Chief Engineer (personal),
Tamil Nadu Electricity Board,
Anna Salai, 8th Floor,
Chennai-600 002.
3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Cuddalore, Cuddalore District.
4. The Superintending Engineer,
Tamil Nadu Electricity Board,
Chengalput,
Kancheepuram District.
5. Tamil Nadu Electricity Board Achar and Podhu
Thozhilalar Sangam,
represented by its General Secretary,
No.9-34, Balamurugan Illam,
Vasanthapuram,
Tindivanam-604001.
(5th respondent has not necessary party,
hence given up)

... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent bearing Industrial Dispute No.33 of 2008 dated 07.01.2013 and quash the same and further directing to the respondents 2 to 4, to take the petitioner service of promotion from the year 1985 and give all benefits/settlement to the petitioner.

For Petitioner : Mr.V.Manoharan

For Respondents

R1 : Court

R2 to R4 : Mr.P.Subramanian

R5 : Given up

ORDER

This Writ Petition has been filed challenging the award passed in Industrial Dispute No.33 of 2008 dated 07.01.2013, thereby rejected his request for promotion and also dismissed the industrial dispute filed to set aside the memo dated 07.12.1987.

2. The petitioner had joined in service in the second respondent board on 22.10.1973. When he was working as Assessor at Nellikuppam Sub division, a seniority list was preferred by the second respondent for the post of Inspector of Assessment, on 01.06.1985. In the seniority list, the petitioner's name was shown as Serial No.27 in the district seniority and Serial No.494 in the state seniority. However, he was denied promotion as per his seniority list dated



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01.06.1985. There was no disciplinary proceedings or any further charges pending against the petitioner on that period. However, his juniors were promoted as per the seniority list dated 01.06.1985, instead of promoting the petitioner. Thereafter, he was also transferred from Nellikuppam sub division to Kanniyakumari sub division on 08.07.1986. Thereafter, he was served with memo dated 14.07.1986 with three charges levelled against him, which are extracted as follows:-

“a. Spending Rs.76,000/- and built up a house by me, but only obtaining loan for a sum of Rs.35,000/- from Panruti co operative, balance of amount Rs.40,000/- borrowed from my mother-in-law, for that I have not been obtained any permission from the TNEB to receive the said amount.

b. I purchased the Lorry in my wife name bearing Regn No.TNO.9657. That was not informed to my office.

c. In my saving bank account only meager amount was available. But in my wife saving bank account there was several transactions. So that amount was excess in my monthly salary, it was not informed by me to the office.”

3. After submitting explanation, enquiry was conducted and the petitioner was given punishment of stoppage of increment with cumulative effect for a period of one year. The petitioner did not file any appeal as against the order of punishment and the petitioner's association raised industrial dispute for his promotion as per the seniority list dated 01.06.1985.



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4. Heard the learned counsel for the petitioner and the learned counsel for the respondents 2 to 4 and perused the materials available on record.

5. A perusal of records revealed that at the time of promotion, disciplinary proceeding was pending against the petitioner. On the strength of the enquiry report, he was punished with stoppage of increment with cumulative effect for a period of one year. After punishment, he was given promotion and he was working as Assessment Officer till his super annuation. In fact, he had also received all the terminal benefits. The charge memo was marked before the Labour Court as Ex.W3 dated 14.07.1986. All the charges were proved against the petitioner. However, the punishment was not challenged by the petitioner by way of appeal. Therefore, his promotion was rightly rejected and after completion of his punishment, he was given promotion and he had retired as Assessment Officer.

6. Therefore, the Labour Court had rightly dismissed the industrial dispute raised by the petitioner's association and this Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is devoid of merits and liable to be dismissed.



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7. Accordingly, this writ petition stands dismissed. No costs.

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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn



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G.K.ILANTHIRAIYAN, J.

mn

To

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