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W.P.No.27630 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27630 of 2023

and

W.M.P.Nos.27092 & 27094 of 2023

M.G.Sudhagar

... Petitioner

Vs.

1.The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer,
Villupuram Region,
Tamil Nadu Generation and Distribution Corporation Limited,
Villupuram – 605 602.

3.The Chief Engineer,
Thiruvannamalai Region,
Tamil Nadu Generation and Distribution Corporation Limited,
Thiruvannamalai – 606 604.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to impugned order dated 05.09.2022 vide Memo No.001365/141 (4) / Adm. B/ B1/ 2021- 10 issued by the 3rd Respondent and impugned order dated 03.08.2023 in (Per)CMDTANGEDCO proceedings No.66 issued by the 1st Respondent and quash the same as irrational and



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arbitrary and consequently direct the 1st Respondent to consider the petitioner for promotion to the post of Assistant Executive Engineer.

For Petitioner : Mr.Naveenkumar Murthi
for Mr.S.Varsha

For R1 to R3 : Mr.K.Rajkumar

ORDER

This writ petition has been filed challenging the orders of the 1st respondent/Appellate Authority, dated 03.08.2023, confirming the order of the 3rd respondent/Disciplinary Authority, dated 05.09.2022, imposing a punishment of “withholding of increment for a period of one year without cumulative effect”, on the petitioner.

2.It is the case of the petitioner that, while he was working as Assistant Engineer (Electrical Maintenance) in the respondent Corporation, he was issued with a charge-memo in connection with the death of an employee working under him, due to electrical shock while doing electrical works. After enquiry, the charges against the petitioner were held to be proved and the Disciplinary Authority/3rd respondent imposed a punishment of “withholding of increment for a period of one



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year without cumulative effect”. Challenging the punishment, the petitioner preferred an appeal before the Appellate Authority/1st respondent. The Appellate Authority also dismissed the Appeal by confirming the order of the Disciplinary Authority. Challenging both the orders, the present writ petition has been filed.

3.Challenge has been made mainly on the ground that the Appellate Authority, without going into the merits of the Appeal preferred by the petitioner, has simply, in one line, dismissed the Appeal without assigning any valid reasons.

4.Heard the learned counsel for the petitioner and Mr.K.Rajkumar, learned counsel, who takes notice for the respondents.

5.I have perused the entire materials available on record. The petitioner has been proceeded with disciplinary proceedings for certain lapses committed by him while he was working as Assistant Engineer (in-charge) when the alleged accident took place in the electrical line, leading to death of an employee. The Enquiry Officer found the petitioner guilty of the charges and therefore, the Disciplinary Authority imposed a



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punishment of stoppage of increment for one year without cumulative effect. As against the punishment, the petitioner preferred an Appeal before the Appellate Authority on 30.09.2022. After a period of almost of one year from the filing of the appeal, the Appellate Authority, by the impugned order dated 03.08.2023, has dismissed the Appeal even without assigning proper reasons. It is relevant to note that, when an Appeal is preferred, the basic requirement is that an opportunity of hearing is to be given to the appellant. However, no opportunity, whatsoever, appears to have been given to the petitioner. The reasoning given in the impugned order is also on few lines. It is not known as to whether the Appellate Authority has adverted to all the documents and evidence placed before him and as to how he concurred with the Disciplinary Authority. In such view of the matter, the order passed by the Appellate Authority without giving sufficient reasons as to how he has arrived at the conclusion, is not sustainable in the eye of law. Therefore, the Appellate Order is liable to be quashed.

6. Accordingly, the impugned order, dated 03.08.2023, passed by the 1st respondent/Appellate Authority, is quashed and the matter is remitted back to the 1st respondent/Chairman-cum-Managing Director to



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consider the Appeal preferred by the petitioner against the order of punishment imposed by the 3rd respondent/Disciplinary Authority by order dated 05.09.2022, afresh, after giving an opportunity of hearing to the petitioner, and dispose of the Appeal on its own merits and in accordance with law, by giving proper reasons, within a period of four months from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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N. SATHISH KUMAR, J.

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