



W.P(MD)No.15625 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15625 of 2020

S.Ponnusamy

... Petitioner

Vs

1.The President / Chairman,
Tamil Nadu Electricity Board (TANGEDCO),
Government of Tamil Nadu,
Anna Salai,
Chennai – 2.

2.The Chief Engineer / Personnel,
Department of Tamil Nadu Electricity Board,
(TNEGDCL), Anna Salai,
Chennai – 2.

3.The Superintendent Engineer,
Virudhunagar Electricity Distribution Circle,
Virudhunagar District.

4.The Executive Engineer (Distribution),
Electricity Board,
Rajapalayam,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent and quash



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(Ku.Aa.No.00532/006/Ni.Pi4/Uthavi.1/Ko.Mo.Mu/07) dated on 07.02.2007 the same and consequently directing the respondent herein to extent to revoke the disciplinary proceedings and sanction to the monetary pensioner benefits like back wages with a reasonable time.

For Petitioner : Mr.M.Ganeshkamu

For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

Heard the learned counsel on either side.

2.The petitioner joined Tamil Nadu Electricity Board (TNEB) as casual labour in the year 1971. He became helper in the year 1977. He was promoted as Commercial Assistant and then as Commercial Inspector. He was also conferred with selection grade. In the meanwhile, the petitioner was issued with charge memo. The authority passed an order on 23.10.2003 imposing the punishment of stoppage of three increments with cumulative effect for a period of three years. Questioning the same, he filed an appeal. But the punishment order was confirmed. Challenging the same, the petitioner filed W.P(MD)No. 8938 of 2006. Vide order dated 18.01.2006, the writ petition was allowed and the matter was remitted to the file of the authority for fresh disposal. Pursuant thereto, the appellate authority passed an order dated 07.03.2006 reducing the



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punishment from withholding increment for three years with cumulative effect to withholding increment for three years without cumulative effect.

Challenging the same, the petitioner filed W.P(MD)No.4040 of 2006. It was contended that additional grounds were raised before the appellate authority but they were not considered while passing the impugned order. In that view of the matter, the order impugned in the writ petition was set aside and W.P(MD)No. 4040 of 2006 was allowed vide order dated 23.11.2006. Thereafter, the Superintending Engineer, Virudhunagar Electricity Distribution Circle passed order dated 07.02.2007 imposing the punishment of stoppage of increment for two years without cumulative effect. The petitioner retired from service on 31.05.2006. Challenging the same, the present writ petition has been filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned orders and allow the writ petition as prayed for.

4.The respondents have filed counter affidavit and the learned Standing Counsel took me through its contents. The learned Standing Counsel submitted that no case for interference has been made out.



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5.I carefully considered the rival contentions and went through the materials on record.

6.The petitioner was issued with charge memo which contained two articles of charge. The petitioner had moved this Court on two occasions earlier. On both occasions the petitioner succeeded on technical grounds and the matter was remitted to the file of the authority. After remand, the third respondent had passed the impugned order levying stoppage of increment for a period of two years without cumulative effect. The said punishment would have worked itself out. The petitioner is now aged about 75 years. Only in the year 2020, after lapse of 13 years, the petitioner filed the writ petition challenging the validity of the punishment order.

7.Such belated challenge cannot be entertained. The writ petition is hopelessly bared by laches. In any event, no case for interference has been made out. An enquiry officer was appointed, the petitioner was given full opportunity to defend himself. After due appreciation of the materials on record, the charges were found proved. The authority had originally imposed stoppage of increment for three years without cumulative effect and the same was subsequently reduced to stoppage of increment for a period



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of two years without cumulative effect. This does not have any effect on the petitioner's pension. The petitioner appears to be labouring under the impression that only because of the impugned order his chances of promotion got affected. To address these concerns, it is not necessary to review the impugned order once again.

8.This writ petition is dismissed. There shall be no order as to costs.

15.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

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- 2.The Chief Engineer / Personnel,
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