



W.P.(MD).No.18351 of 2020

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,BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18351 of 2020

and

W.M.P(MD)No.15332 of 2020

K.Murugesan

... Petitioner

Vs.

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
New No.144, Anna Salai,
Chennai-2.
- 2.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Represented by its Secretary,
New No.144, Anna Salai,
Chennai-2.
- 3.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
New No.144, Anna Salai,
Chennai-2.
- 4.The Superintending Engineer (incharge),
General Construction Circle,
O/o the Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation
Limited (TANTRANSCO), Madurai.



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5. The Executive Engineer,
Transmission Line Construction,
O/o. The Executive Engineer,
Transmission Line Construction,
Tamil Nadu Transmission Corporation
Limited (TANTRANSCO),
General Construction Circle,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Order in Ka.No. 397/Mea.Po/PoNiva/Mathu/OoNiA/NiMea/Oo4/2020 dated 02.11.2020 and the consequential Impugned Order in Memo No. 007786/Mea.Po/PoNiva/Mathu/OoNiA/NiMea/Oo4/Ko.Thani/20 dated 12.11.2020 on the file of respondent No.4 and quash the same.

For Petitioner : Mr.Aswin Rajasimman
for M/s.Lajapathi Roy Associates

For Respondents : M/s.M.Parameshwari
Standing Counsel

ORDER

The present writ petition has been filed to call for the records pertaining to the Impugned Order in Ka.No. 397/Mea.Po/PoNiva/Mathu/OoNiA/NiMea/Oo4/2020 dated 02.11.2020 and the consequential Impugned Order in Memo No.



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007786/Mea.Po/PoNiva/Mathu/OoNiA/NiMea/Oo4/Ko.Thani/20

dated

12.11.2020 on the file of respondent No.4 and quash the same.

2. The petitioner joined as a Contract Labour in TANGEDCO for a period of more than 10 years service. Thereafter, he was absorbed to the post of Helper on 30.12.1995 as per Justice Khalid Commission report. In furtherance to the same, he was promoted to the post of Vehicle Helper in the year 2003. On 17.01.2006, he was promoted to the post of Driver in the respondent corporation. In the year 2009, a disciplinary proceeding was initiated on the ground of submitting false education certificate while joining the respondent corporation as against the petitioner. The disciplinary proceeding was concluded by inflicting a punishment of reduction of pay to the minimum of scale of pay of the post held on the date of in-posting the punishment for a period of 3 years. As against the same, the petitioner preferred an appeal before the appellate authority and the said authority was pleased to modify the said order by reducing the punishment from the period of 3 years to 1 year. Thereafter, the petitioner was granted selection grade of pay on 26.02.2016 and presently, the petitioner is working as Senior Driver in the 5th respondent office. While so, the 4th respondent issued the impugned order, dated 02.11.2020



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refixing the petitioner's pay scale thereby ordering recovery of excess payment without issuing notice to the petitioner which is against the principles of natural justice. Hence, this writ petition came to be filed challenging the said proceedings, dated 02.11.2020.

3. Since the impugned order has been passed without giving an opportunity of hearing and without issuing notice to the petitioner, this Court is inclined to quash the impugned order and remand it back to the respondents and consequently, direct the respondents to issue him notice and thereafter, proceed appropriately in accordance with the relevant laws.

4. In view of the above, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

20.07.2023

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

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L.VICTORIA GOWRI, J.

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