



W.P.(MD).No.19311 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19311 of 2023
and WMP(MD)No.15984 of 2023

P.Karuppasamy

... Petitioner

Vs

1. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO/TNEB,
Maharaja Nagar, Tirunelveli District 11.
2. The Executive Engineer,
(Distribution), TANGEDCO/TNEB,
NGO Colony,
Sankarankovil, Tenkasi District.
3. The Appellate Officer, *
Chief Engineer (Distribution),
TANGEDCO/TNEB, Maharaja Nagar,
Tirunelveli District 11.

**Impleaded as per order of this Court, dated 30.08.2023*

... 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 Ku.Aa.No. 013885/729/Nipi-IV/ Vu.1/ Ko.O.Na/



W.P.(MD).No.19311 of 2023

2022, dated 14.07.2023 on the file of the Respondent No.1 and quash the same as illegal in so far as the order of recovery of Rs.1158,127/- with interest from the petitioner's salary forthwith.

For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

The present writ petition has been filed seeking to quash the Impugned Order in Ku.Aa.No. 013885/729/Nipi-IV/ Vu.1/ Ko.O.Na/ 2022, dated 14.07.2023 on the file of the Respondent No.1 and quash the same as illegal, so far as the order of recovery of Rs.11,58,127/- with interest from the petitioner's salary forthwith.

2.Heard, Mr.I.Pinaygash, learned counsel appearing for the petitioner and Mr.S.Arivalagan, learned Standing Counsel appearing for the respondents. Perused the materials on record.

3.The learned counsel for the petitioner seeks permission in WMP(MD)No.19187 of 2023, to implead the Appellate Officer, Chief Engineer (Distribution), TANGEDCO/TNEB, Maharaja Nagar, Tirunelveli District 11 as



W.P.(MD).No.19311 of 2023

third respondent in the writ petition. After hearing the learned counsel for the petitioner, the said petition is allowed. Before issuing the order copy, Registry is directed to implead the petitioner in WMP(MD) No.19187 of 2023 as the third respondent in the writ petition.

4.(i).The petitioner joined in the first respondent Corporation as daily wage worker in the year 1991. On 01.05.1999, he was brought under regular time scale of pay in the post of Helper and then on 10.07.2007 he was promoted as Commercial Inspector in the second respondent Office. On 30.01.2019, the petitioner was suspended from service on the allegation that he had misappropriated the Corporation money by misusing the passwords of working assessor. Pursuant to the same, on 10.05.2014 a charge memo was issued and a detailed enquiry was conducted.

(ii).In the meanwhile, commencing from 18.09.2019 the petitioner had submitted various representations, last of one such representation was on 24.12.2019 seeking to appoint an Enquiry Officer from any other District apart from Tirunelveli District. However, against the said representations no order has been passed by the first respondent.



W.P.(MD).No.19311 of 2023

WEB COPY

(iii) On 23.10.2019, the first respondent appointed an Enquiry Officer/Assistant Executive Engineer to deal with the petitioner's case. Assailing the same, the petitioner filed a petition in W.P(MD)No.5222 of 2020 before this Court and the same was dismissed. Following which, the enquiry was conducted and on 14.07.2023 the impugned order of punishment for stoppage of increment for two years with cumulative effect along with the recovery of Rs.11,58,127/- with interest was passed by the first respondent, Challenging the same, this writ petition came to be filed.

4. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that he would restrict his prayer to the extent that as against the impugned order, dated 14.07.2023, he has already preferred an appeal before the newly impleaded third respondent/Appellate Authority, which is pending. Hence, a direction may be issued to the appellate Authority to dispose of the said appeal within a stipulated period.

5. The learned standing counsel appearing for the respondents also submitted that the same would be disposed of in accordance with law.



W.P.(MD).No.19311 of 2023

6.Considering the limited relief, which is now sought for by the petitioner, this Court hereby direct the third respondent to dispose of the appeal preferred by the petitioner on 02.08.2023, within a period of four weeks, from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.09.2023

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

**Note: Registry is directed to issue order copy,
after making necessary amendment in the cause title.**

PNM

To

1. The Superintending Engineer,
Theni Electricity Distribution Circle,
TANGEDCO, Theni.
2. The Executive Engineer,
Distribution TANGEDCO,
Periyakulam, Theni District.
3. The Appellate Officer,
Chief Engineer (Distribution),
TANGEDCO/TNEB, Maharaja Nagar,
Tirunelveli District 11.



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W.P.(MD).No.19311 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
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20.09.2023