



WEB COPY



W.P.(MD)No.11473 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.11473 of 2016
and
W.M.P.(MD)No.8779 of 2016

R.Palani

... Petitioner

vs.

Tamil Nadu Generation and Distribution
Corporation,
represented by the Chief Engineer,
Distribution,
K.Pudur, Madurai-7.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order made in Memorandum No. 002488/127/Tha.Po/Pa/Madurai/Mu.Ni.A/Ni.Pe.De/D3/2015-06, dated 19.05.2016, passed by the respondent and to quash the same.

For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mrs.M.Parameswari



W.P.(MD)No.11473 of 2016

WEB COPY

ORDER

This writ petition is filed for issuance of a writ of Certiorari, to quash the impugned order, dated 19.05.2016, passed by the respondent.

2. The petitioner was serving as an Assistant Executive Engineer in the respondent Department. He has faced a charge memo issued under Rule 8(a) of Tamil Nadu Electricity Board Employee's Discipline and Appeal Regulations and the charges are as under:

“i) the petitioner insisted the Assistant Electrical Engineer to reject the application submitted by M/s. Pandiyan Hospital with regard to grant of additional load and thereby misused the power.

ii) the petitioner started the business of electrical goods in the name of my wife and running the same in the name of Raj Enterprises.

iii) By misusing the official power, the petitioner insisted Assistant Electrical Engineer to give five new service connections and one change of tariff in a day.

iv) the petitioner have prepared two different estimates for deposit contribution work to one Kamalam.



W.P.(MD)No.11473 of 2016

WEB COPY

v) By misusing official power the petitioner imposed penalty falsely against the consumer.”

3. The respondents have imposed a punishment of stoppage of increment for one year without cumulative effect. Based on this punishment, the petitioner has lost his chance to get promotion in the year 2015 and also lost promotions from 2015 to 2020. The petitioner's name was included in the panel for the year 2017-2018. But because of the pendency of this charge memo, he was not able to get promotion in the year 2017-2018. Since he lost promotion for more than four years, the petitioner has preferred the present writ petition.

4. Pending writ petition, the petitioner was granted promotion in the year 2020 and the petitioner is on the verge of retirement in the year 2023.



WEB COPY



W.P.(MD)No.11473 of 2016

5. The contention of the petitioner is that the impugned order is passed by the Chief Engineer but he is not the appropriate authority to pass such an order since he is the appellate authority. The appropriate authority to pass the order is the Superintendent Engineer. Therefore, the petitioner claims that the Chief Engineer is not having jurisdiction.

6. It is seen from the records that the petitioner was serving in Madurai. Thereafter, he was transferred to Tirunelveli District. Since the petitioner is coming within the power of two Superintendent Engineers i.e. SE, Madurai and SE, Thirunelveli, the Chief Engineer has passed the order. Therefore, the Chief Engineer has passed an order covering both the divisions. Therefore, this Court is not inclined to entertain jurisdiction question.

7. Moreover, the petitioner was subsequently granted promotion in the year 2020 after the punishment and the delinquency period was over.



WEB COPY



W.P.(MD)No.11473 of 2016

Even though it is a minor punishment, taking the charges into consideration, it is only proportionate punishment. Therefore, this Court is not inclined to entertain this writ petition. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

06.04.2023

Internet : Yes

NCC : Yes / No

Tmg



WEB COPY



W.P.(MD)No.11473 of 2016

S.SRIMATHY, J

Tmg

W.P.(MD)No.11473 of 2016

06.04.2023