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W.P.(MD).No.9393 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.9393 of 2016

and

W.M.P.(MD).Nos.7450 and 7451 of 2016

C.Kuppu

... Petitioner

Vs.

1.The Chairman/Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
No.144, N.P.K.R.R. Maaligai,
Anna Salai,
Chennai – 600 002.

2.The Chief Engineer/
Distribution, TANGEDCO,
Trichy Region,
Trichy – 17.

3.The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Keeranur,
Pudhukottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relevant to the Order No.236 (Board Standing Rule (Permanent)) dated 21.11.2015 passed by the first respondent by confirming the order of the third respondent through in his four various dated proceedings



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(1) Ku.No.36-1/Nir/U1/Ko.Kamukkam/2006 dated 29.11.2006 (2) Ku.No. 6082/1868/Nir/U1/Ko.Kamukkam/2006 dated 27.12.2006 (3) Ku.No. 69-1/Nir/U1/Ko.Kattu/2006 dated 20.03.2007 (4) Ku.AA.No. 70-1/Nir/U1/Ko.Kamukkam/2007 dated 20.03.2007 and quash the same as illegal, improper, unreasonable and principles of natural justice and thereby direct the respondents to pay the arrears of increment and further promotion if any which the petitioner is legally entitled.

For Petitioner : No Appearance.

For Respondents : M/s.M.Parameswari,
Standing Counsel.

ORDER

This Writ Petition is filed challenging the four punishment orders and appellate orders which has confirmed the punishment. For the first two charges the punishment of stoppage of increment for six months without cumulative effect and the third and fourth charge as stoppage of increment for three months without cumulative effect.

2. As far as the first charge is concerned, the petitioner has granted the approval for connection under Tariff VI without obtaining prior permission. The respondents after conducting enquiry imposed the punishment of stoppage of increment for six months without cumulative effect. On Appeal the appellate authority has confirmed the order. On perusal of the appellate authority order, it



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is seen no reasons were assigned to confirm the punishment and it is absolutely a non-speaking order. Moreover, the contention of the petitioner is that proper opportunity was not granted, while conducting enquiry. The contention of the respondent is that the petitioner had simply refused to receive the notice and hence the authority proceeded with the enquiry and imposed punishment. But the fact remains that the petitioner has not attended the enquiry. Therefore, this Court is inclined to reduce the punishment and the punishment is reduced from 6 months to 3 months without cumulative effect.

3. As far as the second charge is concerned, the petitioner has raised his voice and used abusive language against the higher authorities. The petitioner had submitted explanation and the original authority has simply stated the explanation is not acceptable and has not assigned any reason for rejecting the explanation. On appeal the appellate authority has simply confirmed the punishment and has not assigned any reasons. Therefore, this Court is quashing the punishment as far as the second charge is concerned.

4. As far as the third charge memo is concerned, the petitioner has not participated in the mass ride. The contention of the petitioner is that he was not granted opportunity to submit his explanation. The respondents refuted the said



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allegation and submitted that the petitioner had received the notice but failed to acknowledge the receipt of the notice. Moreover, the petitioner has not submitted any explanation to the same within the stipulated time, hence the respondents imposed the punishment. Aggrieved over, the petitioner had preferred an appeal to the appellate authority, but he has simply confirmed the punishment and has not assigned any reasons. Therefore, this Court is inclined to quash the punishment and hence the order is quashed.

5. As far as the fourth charge is concerned, the consumer has not paid the current consumption charges, hence the petitioner is duty bound to disconnect the service connection. However, the petitioner has not disconnected the service connection, hence the Corporation had incurred loss. Since the petitioner failed to disconnect the connection, the respondents are empowered to impose punishment. Moreover, the respondents had imposed a punishment of stoppage of increment for three months without cumulative effect and the same is proportionate. Therefore, this Court is not inclined to interfere with this punishment imposed on the petitioner.

6. Therefore, the respondents are directed to implement this order within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.02.2023

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

To

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S.SRIMATHY, J.

Nsr

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