



W.P.No.5878 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

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THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

W.P.No.5878 of 2020

and

W.M.P.No.6890 of 2020

T. Mayilsamy

... Petitioner

Vs.

- 1.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Udumalaipet Distribution Circle,
Tiruppur Road,
Udumalpet – 642 126.
- 2.The Executive Engineer,
Tamil Nadu Electricity Board,
Office and Maintenance and Distribution Circle,
Tiruppur Road,
Udumalpet – 642 126.
- 3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Office and Maintenance and Distribution Circle,
Madathukulam – 642 113.



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4. The Assistant Engineer,
Tamil Nadu Electricity Board,
Office of Maintenance,
Komaralingam – 642 204.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the second respondent made in proceedings Ka No.4994/628-1/EE/EB/Udumalipet/Admn/Asst 2.2/K.O.N/2018 dated 11.10.2018 imposed punishment of reduction in 3% on petitioner's basic pay and stopped the petitioner's increments for one year and which was confirmed by the 1st respondent in order No. Ka.No.011429/240/SC/Udumalpet/Admn3/Asst5/KON/2019 dated 23.09.2019 and quash the same.

For Petitioner : Mr.V.Manisekaran

For Respondents : Mr.C.Ramkumar
Senior Counsel for TNEB

ORDER

The instant Writ Petition has been filed challenging the order of punishment dated 06.09.2018.



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2. The learned counsel for the petitioner would submit that, the Authority has not followed the due procedure, and without even conducting any enquiry, merely based upon the explanation arrived at a conclusion, that the charges have been proved. If we go by the charges, the charges were framed only on the ground of belated submission of the leave application, and for not appearing before the Medical Board. Even while looking at the charges, no malafide had been shown against the petitioner. But, however, the petitioner has explained that, only upon his ailments, especially his backpain, he was not in a position to submit his leave application within the specified time, and was also not in a position to appear before the Medical Board, on the relevant dates.

3. On perusal of the Enquiry Report, as rightly contended by the learned counsel for the petitioner, there was no enquiry conducted, and it was the contention of the learned counsel for the petitioner that he was not provided with an opportunity to submit the Medical Certificate so as to prove his defence.



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4. Though the Enquiry Report says that the explanation was not acceptable, it did not refer as to how the explanation is not acceptable, and could not be relied upon.

5. The learned counsel for the petitioner further submits that for the mere delay in submission of the leave application, a punishment of withholding increment for one year with cumulative effect was imposed, and if punishment is allowed to be continued, then it would affect his future career and his retirement benefits.

6. The learned Senior Counsel for the respondents would submit that since the petitioner has admitted the charge, there was no occasion to conduct the separate enquiry and, no prejudice caused to the petitioner. Therefore, he would further submit that there is no merit in the present Writ Petition. Hence, prays for dismissal of the present Writ Petition.

7. I have given my anxious consideration on the submissions made by either side.



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8. While looking at the Enquiry Report, and the impugned order, this Court could not find any material as to how the explanation of the petitioner is not acceptable to the authorities concerned, and as rightly contended by the learned counsel for the petitioner, no domestic enquiry was conducted for permitting the petitioner to let in evidence.

9. However, at this length of time, this Court do not want to set aside the ultimate findings of the disciplinary authority. However, taking into consideration of the submissions made by the learned counsel for the petitioner, for the reason stated infra, I find some ground to interfere with the order of punishment.

10. Therefore, taking into consideration the length of service rendered by the petitioner since 1993, and his past records, this Court would like to modify the punishment of Withholding of the increment to one year, to an order of “Censure”.



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11. In the result, this Writ Petition is Partly Allowed as indicated herein. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
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