



W.P.No.7410 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.07.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.7410 of 2013

A.Chokalingam

... Petitioner

-Vs-

1.The Chief Engineer, (Personnel),
TANGEDCO,
No.144, Anna Salai,
Chennai-2

2.The Superintending Engineer,
TANGEDCO,
Dindigul Electricity Distribution Circle,
Dindigul.
...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari calling for the records relating to the subject matter of representation of the petitioner dated 4.3.2013 and of the union dated 5.3.2013 to 1st respondent and passed by the 2nd respondent made in Ku.A.No.000263-1/Ni.Pi.2/Ni.U1/Ko.Kanaraga Ottunar The.Pa/2013



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dated 12.02.2013 and quash the same.

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For Petitioner : M/s.S.Elamurugan

For Respondents : M/s.K.Purushothaman,
Standing counsel.

ORDER

The above writ petition has been filed challenging the order passed by the 2nd respondent made in Ku.A.No.000263-1/Ni.Pi.2/Ni.U1/Ko.Kanaraga Ottunar The.Pa/2013 dated 12.02.2013.

2. The petitioner would submit that he had joined the services of the respondents Board as a Helper on 06.12.1982 and thereafter promoted as a Cleaner (Vehicle Helper) on 04.07.1984 and promoted as a Driver on 04.03.1993 and as a Senior Driver on 22.05.2001.

3. The petitioner would submit that his next avenue of promotion was to the post of Heavy Vehicle Driver. While so, owing to a departmental enquiry and subsequent punishment of



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stoppage of increment for a period of 2 years with cumulative effect and compensation for the damage caused to the vehicle, the petitioner was not given the promotion. The said punishment was thereafter reduced by the Appellate Authority as a stoppage of increment for a period of 2 years without cumulative effect. The said punishment started running from the date of the order of the original authority dated 04.06.2007. The petitioner would submit that he was once again issued with a charge memo which ended in a punishment of stoppage of increment for a period of 2 years without cumulative effect. Both these punishments had come to an end on 30.06.2011.

4. The petitioner would submit that the promotion committee had convened a meeting on 09.01.2012 and since no punishment was pending the petitioner's name was included in the panel for promotion for the post of Heavy Vehicle Driver and he was also promoted by a proceeding dated 02.03.2012. The petitioner had joined the duty as a Heavy Vehicle Driver on 21.03.2012. While so, the 2nd respondent by his memo dated 12.02.2013 had cancelled the



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promotion. Aggrieved by the same, the petitioner had submitted a representation dated 04.03.2013 requesting the 1st respondent to set aside the order of reversion since there was no currency of punishment on the date of the panel or on the date of promotion. The petitioner has also brought it to the notice of the 1st respondent that the Band Pay (BP) referred to in the reversion was not applicable to him. Therefore, the petitioner has come forward with the writ in question.

5. A counter affidavit has been filed by the respondents in which they would submit that the petitioner's punishment would be in currency till 31.03.2012 and since he had availed 123 days leave during the punishment period, the same gets extended till 03.08.2012 and he was free from punishment only on 04.08.2012. Therefore, the decision of the departmental promotion committee held on 19.01.2012 to include the petitioner's name in the panel for the post of Heavy Vehicle Driver was totally wrong. This mistake



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was later noticed and steps were taken to correct the same.

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Therefore, the respondents would justify their impugned order.

6. Heard the learned counsel on either side.

7. It is seen that the impugned order of reversion passed by the 2nd respondent has been stayed by the order of this Court dated 26.02.2013 in M.P.No.1 of 2013 and on the strength of this order the petitioner had discharged his duties as a Heavy Vehicle Driver till the date of superannuation i.e; 30.04.2015. It is also seen that to date steps have not been taken by the respondents to vacate the said stay order.

8. Considering the fact that the petitioner has discharged his duties in the promoted post (i.e; Heavy Vehicle Driver) till the date of superannuation and the impugned order passed by the 2nd respondent stayed by this Court as early as in the year 2013 has not



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been challenged by the respondents to date, the impugned order passed by the 2nd respondent has to necessarily be quashed and is accordingly quashed.

9. Therefore, the above Writ petition is allowed as prayed for.

No costs.

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(shr)

Index : Yes/No

Speaking / Non Speaking Order

Neutral Citation : Yes/No

To

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Chennai-2

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P.T.ASHA. J.,

(shr)

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