



W.P.No.11101 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.02.2024

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11101 of 2022
and
W.M.P.No.10694 of 2022

G.Ravi

... Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamilnadu Generation and Distribution Corporation Ltd.,
N.P.K.R.R.Maligai,
No.144, Anna Salai,
Chennai-600 002.
2. The Chief Engineer, Personnel (FAC),'
Administrative Branch,
Tamilnadu Generation and Distribution Corporation Ltd,
N.P.K.R.R. Maligai,
No.144, Anna Salai,
Chennai-600 002.
3. The Chief Engineer, Distribution,
Villupuram Region,
Tamilnadu Generation and Distribution Corporation Ltd.,
Villupuram.



W.P.No.11101 of 2022

4. The Superintending Engineer,
Villupuram Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation Ltd.,
Villupuram. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari calling for the records pertaining to the impugned order dated 12.04.2022 made in Memo No.045592/G.54/G.542/2020-26 passed by the 2nd respondent by order of the first respondent and quash the same.

For Petitioner	: Mr.G.Ananda Kumar
For Respondents	: Mr.P.Subramanian, Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 12.04.2022 passed by the 2nd respondent thereby deleted the petitioner's name from the panel list due to wrong suitability report furnished.

2. The petitioner was appointed as Helper in the respondents



W.P.No.11101 of 2022

corporation and subsequently promoted as Assessor, Inspector of Assessment & Revenue Supervisor. He was served with charge memo dated 19.09.2019 alleging that he misappropriated sum of Rs.37,343/- out of cheque amount received from the Local Bodies Department and credited the said amount into some other service connections. It is a misconduct under Standing Order No.19(III) of the Tamilnadu Electricity Board Standing Orders for workmen engaged in clerical departments. On receipt of the same, the petitioner submitted explanation. Without satisfying with the same, enquiry officer was appointed. The Enquiry Officer conducted enquiry. The petitioner was served with enquiry report and show cause notice dated 30.05.2020 calling upon to submit his explanation as to why the punishment of stoppage of future increment for the period of six months with cumulative effect excluding the period of leave spent if any, should not be imposed? He was further directed to pay the amount of Rs.37,343/- with interest at the rate of 18%. On receipt of the same, the petitioner submitted his explanation. However, the petitioner was warned with caution that to be more careful in future and to avoid repetition of the said mistake. Thereafter, he was promoted to



W.P.No.11101 of 2022

the post of Assessment Officer by an order dated 26.02.2021. Thereafter, the petitioner was directed to pay a sum of Rs.37,343/- for the loss caused to the Board with 18% interest in the Board's Account. Only thereafter, the petitioner paid the said amount with interest to the Board. The petitioner was served with order dated 12.04.2022 thereby deleted the petitioner's name in the panel dated 26.02.2021 to the post of Assessment Officer and reverted to the post of Revenue Supervisor.

3. The learned counsel for the petitioner submitted that the disciplinary authority enforces only warning with a caution that to be more careful in future and to avoid repetition of the said mistake. Thereafter, the petitioner's name was included in the panel for the promotion to the post of Assessment Officer. Thereafter, he was directed to pay the said amount with interest and after compliance of the said order, the order of promotion was served to the petitioner. Thereafter, he had joined in the post of Assessment Officer and now without any notice, his name was deleted in the panel. It is nothing but clear violation of principles of natural justice. The petitioner's name was deleted in the



W.P.No.11101 of 2022

panel on the reason that wrong suitability report was given. The petitioner was not punished with any punishment and as such suitability report was given and promoted the petitioner to the post of Assessment Officer.

4. The learned counsel for the Respondents filed counter and submitted that enquiry officer conducted enquiry on the disciplinary proceedings and found that the charge as "Held Proved". Though, the petitioner was served with show cause notice and mentioned the proposed punishment of stoppage of future increment for the period of six months with cumulative effect excluding the period of leave spent if any, the disciplinary authority, as special case, by way of 'warning' not to indulge in similar activities in future considering his past service passed final order dated 27.08.2020. However, the disciplinary authority had not chosen to cancel the loss of a sum of Rs.37,343/- to the respondent Board. Without verifying the same, the Executive Engineer/O&M, Kandamangalam by its reports dated 08.09.2020, has remarked in the suitability report of the petitioner as "suitable for promotion" and he was issued with pending remittance of Board loss of Rs.37,343 with 18%



W.P.No.11101 of 2022

WEB COPY

interest. Therefore, the Executive Engineer should not have issued suitability report for promotion to the post of Assessment Officer. Therefore, the name of the petitioner should not have been included in the panel for promotion to the post of Assessment Officer. The petitioner failed to remit the said amount to the Board. Therefore, the Executive Engineer, Kandamangalam issued instructions vide its memo dated 05.03.2021 to the petitioner to remit the Board's loss and submit receipt. Therefore, the currency of punishment imposed in the form of recovery of loss will continue till the loss so caused is recovered in full and as such name of individual should not be included in the panel until the entire recovery of loss is effected. Admittedly, the petitioner did not remit the said amount with interest for the period of seven months. He had remit the said amount only on 08.03.2021 and thereafter he had joined as Assessment Officer in the promotional post. Therefore, the respondents rightly deleted the name of the petitioner in the panel for the promotion to the post of Assessment Officer and reverted him to the post of Revenue Supervisor.



W.P.No.11101 of 2022

WEB COPY

5. In fact, the petitioner was given opportunity to submit his explanation for the show cause notice annexing the enquiry report. On receipt of the same the petitioner was warned not to indulge in same kind of activities in future. Subsequently, based on the suitability report, the name of the petitioner has been included in the panel for promotion to the post of Assessment Officer. However, the petitioner failed to remit the loss amount to the Board and as such, the part of punishment will continue till his remittance of the amount. During the currency of punishment, the name of the petitioner was wrongly included in the panel. Therefore, the name of the petitioner was rightly deleted in the panel and reverted him to the post of Revenue Supervisor. Accordingly, the petitioner was relieved from his duties as on 28.04.2022. Another officer has been transferred and posted as Assessment Officer. While admitting this writ petition, this Court passed an order of status-quo for the period of four weeks by order dated 28.04.2022. However, the petitioner was relieved from the post of Assessment Officer on 28.04.2022 and another officer K.Ganesan, Assessment Officer, Gingee Division was transferred and posted at Assessment Officer,



W.P.No.11101 of 2022

WEB COPY

Kandamangalam on 28.04.2022 itself. However, the petitioner filed contempt petition in Cont.P.No.1096 of 2022. Upon threat of the contempt proceedings, once again the order of reversion was cancelled and the petitioner was retained as Assessment Officer in Kandamangalam Division. Recording the said submission, this Court passed an order dated 20.06.2022 for retention of the petitioner in the post of Assessment Officer subject to the outcome of pending writ petition.

6. Therefore, the respondents justified with valid reasons for deleting the name of the petitioner from the panel for promotion to the post of Assessment Officer. Accordingly, the respondents rightly reverted the petitioner to the post of Revenue Supervisor.

7. In view of the above, this Court cannot find any infirmity or



W.P.No.11101 of 2022

illegality in the order passed by the 2nd respondent dated 12.04.2022.

This writ petition is devoid of merits and liable to be dismissed.

Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

20.02.2024
(1/2)

gvn

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To

1. The Chairman cum Managing Director,



W.P.No.11101 of 2022

WEB COPY

Tamilnadu Generation and Distribution Corporation Ltd.,
N.P.K.R.R.Maligai,
No.144, Anna Salai,
Chennai-600 002.

2. The Chief Engineer, Personnel (FAC),'
Administrative Branch,
Tamilnadu Generation and Distribution Corporation Ltd,
N.P.K.R.R. Maligai,
No.144, Anna Salai,
Chennai-600 002.
3. The Chief Engineer, Distribution,
Villupuram Region,
Tamilnadu Generation and Distribution Corporation Ltd.,
Villupuram.
4. The Superintending Engineer,
Villupuram Electricity Distribution Circle,
Tamilnadu Generation and Distribution Corporation Ltd.,
Villupuram.

G.K.ILANTHIRAIYAN,J.

gvn



WEB COPY



W.P.No.11101 of 2022

W.P.No.11101 of 2022
and
W.M.P.No.10694 of 2022

20.02.2024

(1/2)