



Writ Petition No.30759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.30759 of 2024
and WMP No.33365 of 2024

Mr.T.Bharathi

.. Petitioner

Vs.

1. The Chief Engineer,
Electricity Distribution,
TANGEDCO,
Vellore District.
2. The Superintending Engineer,
Tirupattur Electricity Distribution Circle,
TANGEDCO,
Tirupathur District – 635 601
3. The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO, Peranamput,
Vellore District.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to impugned orders passed by the 2nd respondent in



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K.No.02879-1296/NP3/NU2/K.O.N/2013-2 dated 30.1.2014 and quash the same as illegal, unwarranted and not established in the eye of the law and consequentially direct the respondents promotion to the petitioner as Line Inspector.

For Petitioner : Mr.E.K.Kumaresan
For Respondents : Mr.Swami Subramanian
Standing counsel for R1 to R3

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent in K.No.02879-1296/NP3/NU2/K.O.N/2013-2 dated 30.1.2014.

2. Heard Mr.E.K.Kumaresan, learned counsel for the petitioner and Mr.Swami Subramanian, learned Standing counsel for Respondents 1 to 3.

3. In the considered view of this Court, this writ petition is liable to be dismissed on the ground of laches. The petitioner has challenged a punishment that was imposed in the year 2014 and the reasons that has been assigned by the petitioner for the delay, is found at Paragraph 8 and 9 of the affidavit, which is extracted hereunder :-



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8. *I humbly submit that after receiving a punishment order, the chairman of the Centre of Indian Trade Union (CITU) told me not to worry about the punishment against you, the Union has preferred an appeal on your behalf against the order of the punishment. I trusted them and handed over all the case papers to Union. Meanwhile, on 06.05.2014 the 2nd respondent issued a promotion list from Mazdoor to Field Assistant in which is my name was not considered for Field Assistant under which my punishment period has not been completed. On 13.06.2014 the 2nd respondent passed an order of regularization of the period from suspension which is a subsistence allowance paid for those days allowed as leave without pay and will be deducted in installments from my salary in the coming months. I further submit that I met with the Trade Union Chairman and asked about my appeal status but doesn't respond properly and did not return the papers to me. I came to know the fact that the Trade Union did not file an appeal within the time limit.*

9. *I humbly submit that after that, I did not file an appeal against the punishment order dated 30.01.2014 and also my colleagues advised me not to file an appeal because the time limit was over. Three years of punishment were completed, and I was promoted from Mazdoor to Field Assistant on 31.01.2020, but the respondents still reduced my increment. There was a huge loss of pay for my livelihood hence having no other efficacious and alternative remedy I approach this Hon'ble High Court under Article 226 of the Constitution of India and among other grounds.*

4. This Court is not satisfied with the above reasons assigned by the petitioner and the petitioner has not explained the exorbitant delay of 10 years in approaching this Court to challenge the punishment imposed in the



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year 2014.

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5. In view of the same, this writ petition is dismissed. No Costs.

Consequently, the connected miscellaneous petitions are closed.

19.10.2024

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

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N.ANAND VENKATESH, J

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