



WEB COPY



W.P.No. 27204 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 27204 of 2017

and

W.M.P.Nos. 29074 of 2017 & 35799 of 2019

A. Karthikeyan

... Petitioner

Vs.

- 1.Tamilnadu Generation and Distribution Corporation Ltd., rep., by its Chairman and Managing Director,
144, Anna Salai, Chennai – 2.
- 2.The Chief Engineer (Personnel)
Tamilnadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai – 2.
- 3.The Chief Engineer (Distribution)
Tamilnadu Generation and Distribution Corporation Ltd.,
Chennai Region (North)
144, Anna Salai,
Chennai – 2.
- 4.The Superintending Engineer,
Chennai Electricity Distribution Circle (West)
Tamilnadu Generation and Distribution Corporation Ltd.,
110 KV Thirumangalam SS Complex,
Anna Nagar (West), Chennai – 600 040.



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5. The Superintending Engineer
Chennai Electricity Distribution Circle (Central)
Tamilnadu Generation and Distribution
Corporation Ltd.,
110 KV, Valluvarkottam S.S. Complex,
Chennai – 600 034.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the order dated 12.07.2017 issued by the fourth respondent in Memo No. 004983/SE/CEDC/W/Admo.O/Adm.II/AI /FDP/2017 served to the petitioner on 12.10.2017, quash the same, award costs and thus render justice.

For Petitioner : Mr. V. Ajoy Khose

For Respondents : Mr. David Sunder Singh,
Standing Counsel

ORDER

This Writ Petition has been filed against the impugned show cause notice dated 12.07.2017.

2. Heard, the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the record.

3. Learned counsel for the petitioner contends that the impugned order is issued by the fourth respondent who is the Superintending Engineer. The Chief Engineer is the Competent Authority to issue show cause notice. As such, the fourth



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respondent without having any authority issued the impugned show cause notice.

The learned counsel further contends that for imposing major penalty against the Class I employee, the Disciplinary Authority is the Chief Engineer and the Appellate Authority is the Chairman. Admittedly, in the present case, the Superintending Engineer issued the show cause notice without any jurisdiction.

4. Accordingly, in the considered opinion of this Court, the show cause notice dated 12.07.2017 impugned in this writ petition is unsustainable under law. Accordingly, this Writ Petition is allowed and the impugned notice dated 12.07.2017 is hereby set aside.

5. Consequently, connected miscellaneous petitions are closed. No costs.

16.02.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

To

1.The Chairman,

Tamilnadu Generation and Distribution Corporation Ltd.,
and Managing Director,
144, Anna Salai, Chennai – 2.

2.The Chief Engineer (Personnel)

Tamilnadu Generation and Distribution Corporation Ltd.,



144, Anna Salai, Chennai – 2.

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3.The Chief Engineer (Distribution)

Tamilnadu Generation and Distribution
Corporation Ltd.,
Chennai Region (North)
144, Anna Salai,
Chennai – 2.

4.The Superintending Engineer,

Chennai Electricity Distribution Circle (West)
Tamilnadu Generation and Distribution Corporation Ltd.,
110 KV Thirumangalam SS Complex,
Anna Nagar (West), Chennai – 600 040.

5.The Superintending Engineer

Chennai Electricity Distribution Circle (Central)
Tamilnadu Generation and Distribution
Corporation Ltd.,
110 KV, Valluvarkottam S.S. Complex,
Chennai – 600 034.



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BATTU DEVANAND, J.

AT

W.P.No. 27204 of 2017 and
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