



WP(MD)No.4739 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.4739 of 2021
and
WMP(MD)No.3852 of 2021**

R.Sasikumar

... Petitioner

Vs

**The Chief Engineer,
TANGEDCO Distribution,
Trichy Region,
Thennur, Trichy – 19.**

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records relating to the impugned order passed by the respondent vide memo No. 7132/609/Adm.B/B.1/F.DP/2019-4 dated 07.01.2021 and quash the same.

For Petitioner : Mr.C.Vakeeswaran
For Respondent : Mr.B.Ramanathan,
Standing Counsel

ORDER

The petitioner an Assistant Executive Engineer of Tamil Nadu Electricity Board was issued with a charge memo by the respondent for the delinquencies said to have committed by the petitioner while he was



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working in Tiruverumbur. The respondent has conducted an enquiry and imposed a punishment as against this petitioner. Challenging the same this writ petition is filed.

2.The learned Counsel for the petitioner though raised several grounds, the main ground which needs to be considered is that the impugned order has been passed by an incompetent authority. According to the learned Counsel for the petitioner the competent authority to take disciplinary action as against the Assistant Executive Engineer is only the Superintending Engineer, however, in this case the Chief Engineer has initiated the disciplinary action and imposed punishment. Therefore, the petitioner's opportunity of filing an appeal as against the punishment has been curtailed. On this ground the learned Counsel for the petitioner seeks interference of this Court.

3.The learned Standing Counsel appearing for the respondent by referring to the Tamil Nadu Electricity Board Discipline and Appeal Regulations [TNEB Regulations] submits that this issue has already been redressed in Regulation 14 of the TNEB Regulations and if the order has not been passed by the competent authority, the person affected is having an remedy before the Board by way of review.



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4.This Court considered the rival submissions made.

5.The main ground raised by the petitioner is that the impugned order has been passed by the Chief Engineer, who is not the competent authority to pass such an order and the Superintending Engineer is the competent authority. The TNEB Regulations provides for review before the Board, when the order is not passed by the competent authority.

Regulation 14(1)(a) of the TNEB Regulations reads as follows:

“14 (1) An employee of the Board including a person who has ceased to be a member in whose case the Board has passed original orders, shall be entitled to submit within a period of two months from the date on which the order was communicated to him, a petition to the Board for review of the orders passed by it on any of the grounds specified below:-

(a) that the order was not passed by the competent authority.”

6.Since the above regulation provides for remedy for the petitioner by way of review, this writ petition is disposed of with liberty to the petitioner to file a review before the Board as per Regulation 14(1)(a) of the Tamil



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Nadu Electricity Board Discipline and Appeal Regulations, within a period of four weeks from the date of receipt of a copy of this order and the Board shall take the review on file without sticking on the limitation if any and decide it on merits and in accordance with law.

7.The writ petition is disposed of in the above terms. No costs. Consequently connected miscellaneous petition is closed.

26.11.2024

Internet : Yes / No

DSK

To

The Chief Engineer,
TANGEDCO Distribution,
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B.PUGALENDHI.J.,

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