



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 02.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**W.A(MD)No.390 of 2024
and
C.M.P(MD)No.3445 of 2024**

K.Kanthavel

... Petitioner/Appellant

.Vs.

**1.The Chairman and Managing Director,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-2.**

**2.The Superintending Engineer,
TNEB/TANGEDCO,
Ramanathapuram,
Ramanathapuram District.**

**3.The Executive Engineer(Distribution),
TNEB/TANGEDCO,
Paramakudi Division,
Paramakudi, Ramanathapuram District.**

... Respondents/Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the directions in the order of this Court made in W.P(MD)No. 5389 of 2019, dated 7.2.2004 and consequently to set aside the punishment of stoppage of one increment without cumulative effect.

For Appellant : Mr.K.Kanthavel
Party-in-person

For Respondents : Mr.Anand Gopalan
1 to 3 for M/s.Agam Legal

JUDGMENT

(Order of the Court was made by **P.VELMURUGAN.,J**)

This Writ Appeal is directed against the order of this Court made in W.P(MD)No.5389 of 2019, dated 7.2.2004 and consequently to set aside the punishment of stoppage of one increment without cumulative effect.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The appellant filed the Writ Petition before the Writ Court challenging



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the order passed by the first respondent, dated 7.12.2018 in Thalaivar and Melanmai Eyakkunar Nilai EN:120. The Writ Court, after considering the facts material placed before the Court, finds that the rejection order passed by the first respondent is not in accordance with law and therefore, the proceedings of the first respondent, dated 7.12.2018 was quashed and the matter is remanded back to the first respondent, with further direction which reads as follows:

(i) The first respondent is directed to elaborate the details on the basis of which the order of punishment as against the Petitioner is based to have been established.

(ii) The Petitioner should be provided with an opportunity to submit representation with supporting documents to substantiate his defence.

(iii) The question as to whether the facts alleged to have been established, the respondents afford sufficient ground for taking action against the Petitioner need to be elaborated.

(iv) The reasons for confirming the punishment as adequate need to be explained.

(v) The Petitioner should be furnished with all the documents cited in



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Annexure III of the charge memo, dated 12.4.2010 in compliance to the order passed by this Court in W.P(MD)No.4425 of 2011, dated 25.4.2012.

4. Though the order of the first respondent, dated 7.12.2018 was quashed, still the Writ Petitioner filed Writ Appeal which shows that the appellant/Petitioner is aggrieved with the further direction given by the Writ Court. While quashing the impugned order, considering the difficulties of the Petitioner/appellant, the Writ Court had given further direction and also has given directions to the first respondent to consider all the points raised herein. Therefore, this Court does not find any merit in the Writ Appeal calling for interference by this Court in the order of the learned Single Judge and hence, the Writ Appeal deserves to be dismissed.

5. In view of the above, the Writ Appeal is dismissed. No costs. The appellant/Writ Petitioner is at liberty to raise all the points before the first respondent. In turn, the first respondent is directed to comply with the order passed by the Writ Court and the appellant is directed to submit a fresh representation to the first respondent ventilating his grievances and the first respondent is directed to consider all the points raised by the appellant and pass



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appropriate orders on merits and in accordance with law. Consequently, connected
Miscellaneous Petition is closed.

[P.V.,J.] [K.K.R.K.,J.]
02.09.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

- 1.The Chairman and Managing Director,
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P.VELMURUGAN, J.
and
K.K.RAMAKRISHNAN, J.

vsn

JUDGMENT MADE IN
W.A(MD)No.390 of 2024
and
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