



W.P.(MD)No.14102 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14102 of 2024

and

W.M.P.(MD)No.12382 of 2024

S.Paramasivan

... Petitioner

Vs.

1. The Superintending Engineer,
/ Disciplinary Authority,
(TANGEDCO)/TNEB,
Maharaja Nagar,
Tirunelveli District - 11.

2. The Assistant Executive Engineer / Enquiry Officer,
O/o.The Assistant Executive Engineer,
TANGEDCO(Distribution),
Ervadi, Tirunelveli District - 627 103.

3. The Assistant Executive Engineer,
Urban / Distribution,
(TANGEDCO)/TNEB,
Perumalpuram,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records



W.P.(MD)No.14102 of 2024

pertaining to the impugned reduction of basic pay recovery and punishment order in Ku.Aa.No.009398/569/Ni.Pi-IV/Vu.1/Ko.O.Na/2024 dated 23.05.2024 on the file of the 1st respondent and quash the same as illegal and consequentially directing the respondents to provide all the attendant benefits and release the terminal benefits without reduction of basic pay within the time stipulated by this Court.

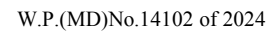
For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

Heard Mr.I.Pinaygash, learned counsel appearing for the petitioner and Mr.S.Arivalagan, learned Standing Counsel appearing for the respondents.

2. This writ petition is filed challenging the order of punishment dated 23.05.2024 passed by the first respondent. The petitioner had attained the age of superannuation on 28.12.2023. The charge memo has been issued to the petitioner on 20.11.2023 ie., before one month of his



3. The learned counsel for the petitioner submitted that the order of reduction of basic pay has been issued against the person who is no more in the services of the respondent. Though the said order is observed in the recovery proceedings dated 04.07.2024, but the order dated 22.12.2023 permitting the petitioner to retire does not take into account the pending disciplinary proceedings.

3/7



W.P.(MD)No.14102 of 2024

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the period of three years that will operate from the future increment. At the time when the above punishment was imposed, the petitioner had become a pensioner, so it is claimed by the petitioner that the impractical punishment has been imposed against the pensioner and it is patently illegal.

5. In fact, the petitioner had joined the services of the respondent as early as in the year 1986 as a contractual labour and on 30.12.1996 and later he was absorbed as Labour in the respondent department. The petitioner has rendered service as employee of the respondent corporation from the year 1996 till the date of his retirement on 28.12.2023. After having allowed the petitioner to work for nearly 27 years, the respondent has found fault with the petitioner that he had produced false age proof at the time of his joining.

6. The learned Standing counsel for the respondents submitted that as per Justice Kalid Committee report which had contemplated the disciplinary action against those persons, who have produced false age



W.P.(MD)No.14102 of 2024

proof, is to see those persons who had reached the maximum age should not be retained in their services on production of their false age proof.

7. Had any action taken at the time when the petitioner was in the services of the respondent, it would have served the purpose and there would be some reduction in the services of the petitioner on account of the alleged false proof of the age. So far as his services of 27 years is concerned there is no blemish. For a person, who joined services in the year 1996, charge memo has been given in the year 2023 on the allegation that he has produced false age proof at the time of appointment. It is needless to state that delayed action leads to ineffective defence. Since the petitioner is no more in the services of the respondent, such an unreasonable punishment of reducing the pay of the petitioner to basic level and then to stop three years increment is an impossible one. Because there cannot be any annual increment to the petitioner as he has already retired from service. The punishment is irrational and illogic and the disciplinary action itself initiated at the vague end of the retirement of the petitioner on the allegation of the action alleged to have been done by him



W.P.(MD)No.14102 of 2024

WEB COPY

in the year 1976. Hence, I feel the whole disciplinary proceedings itself is vitiated due to inordinate delay and it is liable to be set aside.

8. In the result, this writ petition is **allowed** and the impugned order passed by the first respondent dated 23.05.2024 is set aside. No Costs. Consequently, connected miscellaneous petition is closed.

09.07.2024

NCC: Yes/No
Index : Yes/No
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W.P.(MD)No.14102 of 2024

R.N.MANJULA, J.

PJL

W.P.(MD)No.14102 of 2024
and
W.M.P.(MD)No.12382 of 2024

09.07.2024