



W.P.(MD)Nos.17722 to 17724 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)Nos.17722 to 17724 of 2024

and

W.M.P.(MD).Nos.15202, 15229 & 15207 of 2024

M.Saravana Pandi

... Petitioner in all Writ Petitions

Vs.

1.The Chief Engineer,
TANGEDCO Limited,
Madurai Electricity Distribution Circle,
Madurai.

2.The Superintending Engineer,
TANGEDCO Limited,
Madurai Electricity Distribution Circle,
Madurai.

3.The Executive Engineer,
TANGEDCO Limited,
Madurai Electricity Distribution Circle,
Madurai North,
Madurai.

... Respondents in all Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the impugned punishment orders passed by the second respondent dated 30.06.2023 in Ku.Aa.En.683-1/Me.Po/Ma.Mi.Pa.Va/Madu/Ni.Aa/Ni.Me/Ni.Pe.



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1/Oo3/2023, Ku.Aa.En.683-2/Me.Po/Ma.Mi.Pa.Va/Madu/Ni.Aa/Ni.Me/Ni.Pe.

1/Oo3/2023, Ku.Aa.En.683-3/Me.Po/Ma.Mi.Pa.Va/Madu/Ni.Aa/Ni.Me/Ni.Pe.

1/Oo3/2023 and quash the same as without jurisdiction, arbitrary illegal.

For Petitioners : Mr.R.Rajamohan

For Respondents : Mr.B.Ramanathan,
Standing Counsel
(In all Writ Petitions)

COMMON ORDER

By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

2. Heard Mr.R.Rajamohan, learned counsel appearing for the petitioner and Mr.B.Ramanathan, learned Standing Counsel appearing for the respondents.

3. The petitioner has filed these Writ Petitions challenging the punishment order issued by the second respondent, dated 30.06.2023.

4. Mr.R.Rajamohan, learned counsel appearing for the petitioner submitted that all the punishment orders have been issued on the same date



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without properly appreciating the materials on merits and that the Superintending Engineer has passed the order, even though the Executive Engineer is the competent authority to pass orders. It is further submitted that the order does not speak about for what reason the punishment should be imposed on the petitioner and hence, the orders are liable to be set aside.

5. Mr.B.Ramathan, learned Standing Counsel appearing for the respondents submitted that the petitioner had already preferred an appeal by way of challenging the above order and he has further submitted that the appointing authority of the Assistant Engineer is the Superintending Engineer. Hence, the impugned order passed by the second respondent cannot be found fault with.

6. However, the learned counsel for the petitioner submits that as per the Rule 6 of the Tamil Nadu Electricity Board Employees' Discipline and Appeal Regulations, the punishment awarded against the petitioner would come within the powers of the Executive Engineer and hence, the Superintending Engineer has passed the orders without jurisdiction.



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7. The punishment was grave in nature. So far as the authority who has passed the orders is not inferior to the officer who is empowered to pass the quantum of punishment that has been awarded in the impugned order. If the higher authority himself happens to be the punishing authority, the matter may be considered. But even then the Department Rules would say that the delinquent has an appeal remedy. As the order has been passed by the Superintending Engineer, the petitioner had rightly chosen to prefer an appeal before the Chief Engineer.

8. In such case, it is open to the petitioner to make such submission that has been made before this Court to the authority and say that the appeal has to be disposed of at the earliest. The fact that the order has been passed on the same day will not make the order in violation of rules on the presumption that the second respondent has passed the orders without application of mind. The second respondent has also stated reasons for accepting the report of the Enquiry officer. So the petitioner cannot say that the order is in cryptic manner and passed without analysing the materials. In fact, the petitioner himself had subjected to the jurisdiction of the appellate authority by preferring an appeal. It is stated that the appeal has been filed by the petitioner in the year 2023 and it is still pending. In such case, the appellate authority, who is the second



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respondent can be directed to complete the appeal after giving opportunity to the petitioner to be heard and pass an orders within a time frame.

9. In view of the above discussion, these Writ Petitions are **disposed of** and the first respondent is directed to conclude the appeal and pass appropriate orders after appreciating the ground of appeal made by the petitioner including the submissions made by the petitioner now made before this Court and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

30.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Chief Engineer,
TANGEDCO Limited,
Madurai Electricity Distribution Circle,
Madurai.

2.The Superintending Engineer,
TANGEDCO Limited,
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R.N.MANJULA, J.

TSG

Common Order made in
W.P.(MD)Nos.17722 to 17724 of 2024

30.07.2024