



WP(MD) No.17559 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.17559 of 2024
and
W.M.P(MD)No.15101 of 2024

G.Senthilkumar

... Petitioner

Vs.

1. The Chairman,
TANGEDCO,
8th Floor, N.P.K.R.R. Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer (Personal),
TANGEDCO,
8th Floor N.P.K.R.R. Maaligai
No.144, Anna Salai,
Chennai - 600 002.



WP(MD) No.17559 of 2024

3. The Chief Engineer (Distribution),
TANGEDCO,
Madurai Region,
Madurai.

4. The Superintending Engineer,
TANGEDCO,
Madurai EDC,
Madurai District.

5. The Executive Engineer,
TANGEDCO,
O/o. Executive Engineer (Distribution),
Rajapalayam,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 5th respondent vide his proceedings in கு.ஆ.எண்.01744/0304/உ.நிஅ/நிபி/உ.1/கோ. மபொ/2024-3 dated 03.07.2024 and quash the same as illegal.



WP(MD) No.17559 of 2024

For Petitioner : Mr.S.Mohamed Suhail
for M/s.Ajmal Associates
For Respondents : Mr.S.Arivalagan – for R1 to R3
Standing Counsel

ORDER

The present writ petition has been filed seeking a Writ of Certiorari to quash the impugned order dated 03.07.2024 of the fifth respondent.

2. Heard Mr.S.Mohamed Suhail, learned counsel appearing for the petitioner and Mr.S.Arivalagan, learned Standing Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has been given with a charge memo for certain alleged lapses on the part of the petitioner.



WP(MD) No.17559 of 2024

WEB COPY

5. The learned counsel for the petitioner submitted that the charges have not been framed and Enquiry Officer has not been appointed because the disciplinary proceedings have been contemplated only under Rule 8A of Tamil Nadu Electricity Board Employees' Discipline and Appeal Regulations which is for imposing only minor penalties.

6. However, the grievance of the petitioner is that in the impugned order dated 03.07.2024, no reason has been given for imposing the punishment of postponement of three years increment with cumulative effect. It appears that the petitioner has given an explanation to the charge memo given to him. In the impugned order the appropriate authority ought to have stated about the contents of the explanation and however, it is not accepted and he proceeded to punish the petitioner on presumption that the charges have been proved. Even though the petitioner has got an appeal remedy, he has chosen to file this writ petition, in view of the violation of principles of natural justice.

7. As the order of the 5th respondent is without any reason



WP(MD) No.17559 of 2024

WEB COPY

and cryptic and without any reference to the submission made by the petitioner, I feel the impugned order is liable to be set aside.

8. In view of the above stated reasons, this writ petition is **allowed** and the impugned order dated 03.07.2024 of the 5th respondent is set aside. The matter is remitted back to the file of the 5th respondent to reconsider and pass orders afresh in the light of the above observation, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



WP(MD) No.17559 of 2024

To
WEB COPY

1. The Chairman,
TANGEDCO,
8th Floor, N.P.K.R.R. Maaligai,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer (Personal),
TANGEDCO,
8th Floor N.P.K.R.R. Maaligai
No.144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer (Distribution),
TANGEDCO,
Madurai Region,
Madurai.
4. The Superintending Engineer,
TANGEDCO,
Madurai EDC,
Madurai District.
5. The Executive Engineer,
TANGEDCO,
O/o. Executive Engineer (Distribution),
Rajapalayam,
Virudhunagar District



WEB COPY



WP(MD) No.17559 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.17559 of 2024

29.07.2024