



W.P.(MD)No.12665 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.12665 of 2018

and

W.M.P.(MD)Nos.11546 of 2018 and 20495 of 2023

Elayaraja

... Petitioner

versus

1. The Superintending Engineer,
Perambalur Electricity Distribution Circle,
TANGEDCO,
Perambalur.

2. The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Perambalur.

3. The Superintending Engineer,
Trichy Metro Electricity Distribution Circle,
TANGEDCO,
Trichy.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the proceedings of the 1st respondent made in Ku.Aa.No.104/Nee.Pe.2/U2/Ko.Ma.Mu/2018 dated 15.05.2018 and quash the same.



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For Petitioner : Mr.R.Murali
For Respondents : Mr.Ramanathan
Standing Counsel

ORDER

The petitioner is an Assistant Engineer working in TANGEDCO. He was issued with a charge memo on 12.10.2017 under Regulation 8A of the Tamil Nadu Electricity Board Employees' (Discipline and Appeal) Regulations, for the delay in effecting electricity supply to a consumer, while he was serving at Perambalur.

2. The petitioner served as an Assistant Engineer at South Perambalur upto 29.09.2017. Thereafter, he was transferred to Trichy Metro Circle. For the alleged delinquency committed by the petitioner at Perambalur, a charge memo dated 12.10.2017 was issued by the second respondent/the Executive Engineer, Perambalur and subsequently, he was imposed with a punishment of stoppage of increment for a period of one year without cumulative effect, by order dated 06.01.2018. The petitioner has challenged



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the order of punishment dated 06.01.2018 before the first respondent/the Appellate Authority. The first respondent, by his order dated 15.05.2018, modified the same by reducing the punishment into six months without cumulative effect. Challenging the same, the petitioner has filed this writ petition.

3. Though the learned counsel for the petitioner has taken several grounds, he emphasized that as per the provisions under Regulation 7(a) of the Tamil Nadu Electricity Board Employees' Discipline and Appeal Regulation, the punishment, if any, can be imposed only by the Officer, where the delinquent person is working. Though the delinquency is said to have been committed at Perambalur, since the petitioner is working at Trichy, the 3rd respondent/the Superintending Engineer is the competent authority to pass the order of punishment.

4. The learned counsel has also relied on Regulation 7(a) of the of the Tamil Nadu Electricity Board Employees' Discipline and Appeal Regulation, which is extracted as under:

7. Disciplinary authority in certain cases:



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(a) Where on promotion or transfer, a member of a class of service in a division, category or grade is holding an appointment in another division, category or grade thereof or in another class of service, no penalty shall be imposed upon him in respect of his work and conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of the class of service in the latter division, category or grade or class of service, as the case may be.”

5. The learned counsel has also referred to the Tamil Nadu Civil Services (Discipline and Appeal) Rules 1955 and submits that similar provision is available in Rule 15(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the same is extracted as under:

15.(a) Where, on promotion or transfer or recruitment by transfer, a member of a service in a class, category or grade is holding an appointment in another class, category or grade thereof or in another service, State or Subordinate, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an



authority competent to impose the penalty upon a member of the service in the latter class, category, grade or service as the case may be.

6. The learned Standing Counsel appearing for the respondent Board has also admitted that the punishment order ought to have been passed only by the third respondent. Therefore, he seeks for a liberty to pass fresh order by the 3rd respondent.

7. This Court considered the rival submissions made and perused the materials placed on record.

8. The delinquency for which the disciplinary proceedings was initiated had taken place only in Perambalur. Thereafter, the petitioner was transferred to Trichy Metro Circle. In view of the provisions under Regulation 7(a) of the of the Tamil Nadu Electricity Board Employees' Discipline and Appeal Regulation, the 3rd respondent ought to have passed an order of punishment. Therefore, the order of punishment dated 06.01.2018 passed by the second respondent is hereby set aside. Consequently, the order of the appellate authority dated 15.05.2018 is also



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set aside.

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9. The second respondent is directed to forward the enquiry report to the 3rd respondent. The 3rd respondent shall allot this issue to the competent authority as per Regulation 7(a) of the of the Tamil Nadu Electricity Board Employees' Discipline and Appeal Regulation, for imposing necessary punishment, based on the enquiry report, within a period of 12 weeks from the date of receipt of a copy of this order. The authority under Regulation 7(a) of the of the Tamil Nadu Electricity Board Employees' Discipline and Appeal Regulation, shall take a decision without being influenced by the decision already taken by the first and second respondents.

10. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

26.11.2024

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

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