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W.P.(MD).Nos.9013 and 9014 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).Nos.9013 and 9014 of 2016

and

W.M.P.(MD)Nos.7185 to 7187 of 2016

R.Ramachandran

... Petitioner

Vs.

- 1.The Chief Engineer,
Tirunelveli Region,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Maharaja Nagar,
Tirunelveli.
- 2.The Superintending Engineer,
Thoothukudi Electricity Distribution
Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Thoothukudi.
- 3.The Executive Engineer,
Distribution / Kovilpatti,
Thoothukudi Electricity Distribution
Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Kovilpatti, Thoothukudi District.

... Respondents



W.P.(MD).Nos.9013 and 9014 of 2016

Prayer in W.P.(MD)No.9013 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order dated 14.01.2016 made in கு.ஆ.எண்.017812 / 725 / நபி / சி / 2016 நாள் : 14.01.2016 passed by the 1st respondent confirming the impugned order of punishment imposed on the petitioner by the 2nd respondent dated 23.06.2015 under Reference கு.எண்.எஸ்டி.654 / 287 / நபி3 / உ.1 / கோ. / 15 நாள் : 23.06.2015 in the departmental proceedings forthwith and quash the same as illegal.

Prayer in W.P.(MD)No.9014 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order dated 28.03.2016 made in கு.ஆ.எண்.002709 / நபி / சி / 2016 passed by the 1st respondent confirming the impugned order of punishment imposed on the petitioner by the 2nd respondent dated 24.06.2015 made in கு.எண்.எஸ்டி.573 / 258 / நபி3 / உ.1 / கோ. / 2015 நாள் : 23.06.2015 in the departmental proceedings forthwith and quash the same as illegal.

In Both Writ Petitions:

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.S.Arivalagan,
Standing Counsel



W.P.(MD).Nos.9013 and 9014 of 2016

WEB COPY

ORDER

These writ petitions came to be filed challenging the impugned orders of punishment in proceedings bearing No. கு.ஆ.எண்.017812 / 725 / நபி / சி / 2016 dated 14.01.2016 and bearing No.கு.ஆ.எண்.002709 / நபி / சி / 2016 dated 28.03.2016.

2. The petitioner is a Junior Engineer in the respondent Electricity Distribution Circle at Thoothukudi District. The petitioner in both the writ petitions are one and the same and he is serving as a Junior Engineer, he was attached to Tamil Nadu Generation and Distribution Corporation Ltd., at KV Substation, Eppothum Vendran, Thoothukudi District. He was visited with two charge memos while in service by the 2nd respondent imposing the punishment of stoppage of increment for a period of six months without cumulative effect. After conduct of disciplinary proceeding as against him, he was visited with two charge memos, first one is on 21.03.2014 and the second one is on 24.06.2015 by the 2nd respondent. After that the petitioner submitted his explanation in response to both the charge memos and not being satisfied by the same, two separate disciplinary proceeding initiated as



W.P.(MD).Nos.9013 and 9014 of 2016

against him and two punishments, namely, stoppage of increment for a period of six months without cumulative effect and stoppage of one year without cumulative effect along with a recovery of Rs.57,048/- came to be imposed on the petitioner. Following which, both the punishments were implemented as early as in the year 2016-2017 and the amount which was ordered to be recovered was also recovered. Challenging the same, these writ petitions came to be filed.

3. Heard the learned counsels on either sides and carefully perused the materials available on record.

4. When the matter was taken up for hearing on 12.08.2024, the learned counsel for the petitioner Mr.S.Palani Velayutham submitted that the entire proceedings pertaining to the charge memo in W.P.(MD)No.9013 of 2016 was initiated on the basis of the complaint given by the petitioner's colleague, namely, Mrs.Tamilarasi which was not signed and hence, the punishment imposed on his is bad in the eye of law and pressed for allowing the writ petition.



W.P.(MD).Nos.9013 and 9014 of 2016

WEB COPY

5. Per contra, the learned standing counsel appearing for the respondents submitted that though the complaint lodged by the said complainant Mrs.Tamilarasi was not signed, the complainant duly appeared for disciplinary proceeding and the complainant deposed her evidence as to the discrepancy as against the petitioner, as far as the charges framed as against him only after considering her evidence and all the other documents materials oral and documentary evidence, the said punishment came to be imposed and pressed for dismissal of the writ petition.

6. Even though, the learned counsel for the petitioner submitted that one punishment imposed on the petitioner has already been implemented, the learned counsel for the petitioner sought time for producing the appropriate materials available on record.

7. Hence, the matter was adjourned to 13.08.2024. When the matter was taken up for hearing on 13.08.2024, the learned counsel for the petitioner submitted the proceedings which would reveal that the punishment has already been implemented.



W.P.(MD).Nos.9013 and 9014 of 2016

WEB COPY

8. A careful perusal of the records would reveal that the punishments imposed as against the petitioner is not shockingly disproportionate. In view of the fact that the punishments are already implemented and the amount which was sought to be recovered also has already been recovered, nothing survives in this writ petition. Hence, this writ petition is closed.

13.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml
To

- 1.The Chief Engineer,
Tirunelveli Region,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Maharaja Nagar,
Tirunelveli.
- 2.The Superintending Engineer,
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Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Thoothukudi.
- 3.The Executive Engineer,
Distribution / Kovilpatti,
Thoothukudi Electricity Distribution
Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Kovilpatti, Thoothukudi District.



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W.P.(MD).Nos.9013 and 9014 of 2016

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).Nos.9013 and 9014 of 2016

13.08.2024