



W.P(MD)No.11138 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11138 of 2017 and
WMP(MD) Nos.8546 & 10985 of 2017

P.Sankaranarayan

... Petitioner

Vs

1.The Superintending Engineer (Distribution),
Tamilnadu Electricity Generation and Distribution
Corporation(TANGEDCO), Tirunelveli Region,
Tirunelveli.

2.The Superintending Engineer,
Tamilnadu Electricity Generation and
Distribution Corporation(TANGEDCO),
Thoothukudi Electricity Distribution Circle,
Thoothukudi-2.

3.The Chief Engineer,
Tamilnadu Electricity Generation and
Distribution Corporation(TANGEDCO),
No.144, Anna Salai, Chennai-02.

...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 pertaining to the impugned order passed by the 1st



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respondent in Ku.No. 010847/314/Nipi/C.1/Ko.O.Na.Me.Mu/2017,
dated 13.01.2017 and quash the same.

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For Petitioner : Mrs.P.Kalaiyarasi Bharathi
For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

The petitioner, a Foreman Grade I of the respondent TANGEDCO was issued with a charge memo, dated 22.05.2013, pursuant to a case in Crime No.4 of 2012 for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 that the petitioner has demanded a sum of Rs.10,000/- from one Esakkipandi for installation of new poles. Thereafter, an enquiry was conducted and a punishment of stoppage of increment for a period of six months without cumulative effect has been imposed on the petitioner, by the second respondent, vide his proceedings, dated 01.06.2016. Challenging the same, the petitioner has filed an appeal before the first respondent and the same was rejected by the first respondent by his proceedings, dated 13.01.2017. Aggrieved over the same, the petitioner has approached this Court in the year 2017.



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2.The learned counsel appearing for the petitioner submits that the disciplinary authority and the first appellate authority have not considered the fact that the First Information Report registered as against this petitioner has been dropped due to non-appearance of the complainant. According to the learned counsel, the punishment has been imposed on the petitioner based on presumption and without application of mind. The learned counsel further submits that the complainant, namely, Esakkipandi had not given any statement before the enquiry officer that the petitioner has demanded money from him. Even then the enquiry officer has come to a conclusion that there is a possibility of demand of money by the petitioner and has imposed a punishment as against this petitioner. The learned counsel further submits that the respondents are taking steps to fill up the vacancies for Assistant Engineer and proposals from the qualified employees have been called for and due to the disciplinary proceedings initiated as against this petitioner, he may not be recommended to the post of Assistant Engineer.



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3.The learned Standing Counsel appearing for the TANGEDCO submits that though the complainant, Esakkipandi turned hostile in the departmental proceedings, he has lodged a complaint before the Inspector of Police, Vigilance and Anti Corruption Department as against this petitioner and the same was registered in Crime No.4 of 2012, for the offence punishable under Section 7 of the Prevention of Corruption Act. He further submits that a trap was arranged and it was failed since this petitioner has not turned up to duty on that day. According to the learned Standing Counsel, though the complainant, Esakkipandi has turned hostile in the departmental proceedings, the fact remains that he has lodged a complaint before the Inspector of Police, Anti Corruption Department in respect of the demand of bribe by the petitioner for installation of new poles. He further submits that the Assistant Executive Engineer(Distribution),Vilathikulam has been appointed as an enquiry officer and the enquiry was conducted on 07.01.2015, 05.05.2015, 13.05.2015, 23.09.2015 and 11.02.2016. On completion of the enquiry, he has submitted the enquiry report. The learned



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Standing Counsel further submits that demand of illegal gratification to perform his official duty is an offence and therefore, after conducting a proper enquiry, the punishment of stoppage of increment for a period of six months without a cumulative effect has been imposed on the petitioner. The learned Standing Counsel has clarified that the Internal Promotion Committee has not selected the petitioner to the post of Assistant Engineer.

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

5.It appears that based on a complaint given by one Esakkipandi that the petitioner has demanded a sum of Rs.10,000/- from him for installation of new poles, a case in Crime No.4 of 2012 for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 has been registered as against this petitioner. However, the said Esakkipandi has not supported the case in the departmental proceedings. The disciplinary proceedings has been



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initiated as per the Standing Order of the Tamil Nadu Generation and Distribution Corporation Ltd. The enquiry officer/the Assistant Executive Engineer/Distribution/Vilathikulam has conducted an enquiry on 07.01.2015, 05.05.2015, 13.05.2015, 23.09.2015 and on 11.02.2016 and submitted his findings. Based on the enquiry report and with the available materials on the preponderance of probability, the disciplinary authority has passed an order of punishment and the first Appellate Authority has also confirmed the same. This Court wants to make a mention that the efficiency in public service would improve only when the public servant devotes his sincere attention and does the duty diligently, truthfully, honestly.

6.This Courts finds no merit in this writ petition and accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

02.12.2024

NCC:Yes/No
Index:Yes



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B.PUGALENDHI, J.

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