



W.P. No. 4237 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 4237 of 2018

and

W.M.P. Nos. 5217 of 2018 and 15019 of 2022

A.Natarajan

... Petitioner

-VS-

1. The Chief Engineer (Distribution),
Tamil Nadu Generation Distribution Corporation Ltd. (TANGEDCO),
Villupuram Region,
Villupuram.

2. The Chief Superintending Engineer,
TANGEDCO,
Villupuram Electricity Distribution Circle,
Villupuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, Calling for the records relating to the impugned proceedings issued by the 2nd Respondent in Ku.Aa.No.039505/-3/Me.Po/Vi.Mi.Pa.Va/Vim/Nir.3/C.2/Ko.O.Na/ 2015-16 dated 20.07.2016 and the subsequent impugned order passed by the 1st Respondent in Ku.Aa.No.004387/544/Nir.Pi/Pi.1/2017 dated 25.07.2017 and to quash the same.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Subramaniam, Standing Counsel

ORDER



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This writ petition has been filed challenging the proceedings issued by the 2nd Respondent in Ku.Aa.No.039505/-3/Me.Po/Vi.Mi.Pa.Va/ Vim/Nir.3/C.2 /Ko.O.Na/2015-16 dated 20.07.2016 and subsequent order passed by the 1st Respondent in Ku.Aa.No.004387/544/Nir.Pi/Pi.1/2017 dated 25.07.2017.

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.P.Subramaniam, learned Standing Counsel for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner, who was working as a Store Supervisor in the year 2013 in the erstwhile Tamil Nadu Electricity Board, was called upon to offer an explanation by issuing a memo dated 03.07.2012 on the allegation that when he was working as Store Keeper in the Central Store, Villupuram, 262 numbers of sick Distribution Transformers were received from the Field without oil and accounted in the without oil Folio during the period from 2011-2012, but in fact, those Transformers had oil. The petitioner had given an explanation stating that during Thane Cyclone, the Tamil Nadu Electricity Board lost lot of transformers, which were delivered with oil and they are accounted in Folio without oil. As the transformers had oil, but the petitioner had made entries as



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there was no oil in the transformers, they are sent to the company for the purpose of repair. In this account, the Board has sustained a loss of Rs.6,07,656/- and this is in violation of the Regulation 19(3) of the Standing Order.

4. In another incident, 2 transformers were received from the company to the Central stores after inspection by the Special Maintenance Team. One transformer was satisfactory, and another transformer was certified as defective. After the defects in the second transformer was rectified, the petitioner without receiving them to the Central Store sent them directly to the Kottakuppam, at the instructions of the Store Custodian. In view of the same, the said transformers was not accounted in the Central Store. Subsequently, the petitioner has been given with charges calling for explanation. As the petitioner's explanation was not satisfactory, the second respondent was appointed as Enquiry Officer to conduct the enquiry on the charges framed against the petitioner. The petitioner appeared before the Court and has submitted his explanation.

5. At the time of enquiry, The petitioner furnished with the copies of 10



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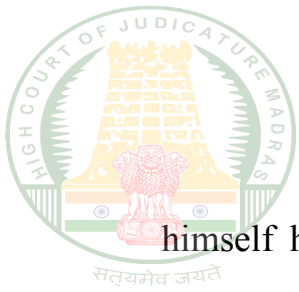
Devolution Slips instead of 170 as stated in the charge memo. After the enquiry

was completed, the guilt against the petitioner was proved and he was imposed with the punishment of stoppage of increment for a period of 1 year with cumulative effect, apart from recovery of Rs.6,07,656/- for the loss sustained by the Board. Aggrieved over that the petitioner has preferred this appeal stating that during the enquiry, he was not given with all the essential documents. He further submitted that he is constantly interdicted from furnishing all the essential documents pertaining to the enquiry and hence, he could not defend himself effectively.

6. The learned counsel for the petitioner submitted that the enquiry has been conducted violating the principles of natural justice and his repeated requests made by the petitioner to furnish him all the essential documents have been ignored.

7. The petitioner has filed an appeal also by taking the very same ground and the appellate authority has rejected the appeal by stating that the petitioner's request for furnishing the documents have already been complied and the said fact has been registered in the enquiry proceedings as well.

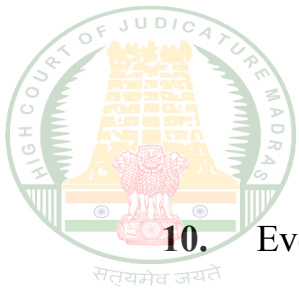
8. The learned counsel for the respondent submitted that the petitioner



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himself has admitted in his evidence before the Enquiry Officer that he has corrected the Folio number in the Devolution and he wrongly stated that 'no petrol' instead of 'in petrol'. When such is the case, there is no question of furnishing any documents to the petitioner. The petitioner had made corrections in the Folio without getting any proper permission from his higher authority. The petitioner has further stated to the Enquiry Officer that in view of his pressure of work, he has entered in the Folio as 'no oil'. But such corrections have been made without getting any permission from the Superior Authority. Having given such a reply, now the petitioner cannot turn 180 degrees and state that essential documents were not furnished and he has not been afforded with an opportunity for a fair enquiry.

9. It is at the fault of the petitioner to make entries in the registers 'no oil' for those transformers which had oil. In such case, the respondent Board would have got compelled to send those Transformers for repair by relying on the report of the petitioner. This would cause a huge unnecessary loss to the respondent company. Since the petitioner's negligence was the cause for such loss, the petitioner is made responsible and the respondents are making recovery from him.



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10. Even in the appeal, the petitioner has taken the very same ground and that

is not accepted by the appellate authority. The appellate authority has stated by making reference to the earlier orders and the signature affixed by the petitioner in acknowledgment of the essential documents relating to the case. The appellate authority has applied his mind and passed the order. As the petitioner did not make out the ground that there was any violation of the principles of natural justice by the respondent.

11. With the above observations, this writ petition is disposed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

17.02.2025

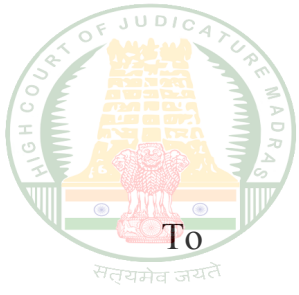
Index: Yes/No

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Maya



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To

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R.N.MANJULA, J.

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