



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2025

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CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 24634 of 2018

and W.M.P.Nos.28668 & 28669 of 2018

1. M.Jayaraman

Assessor Grade II, Nagar-II, Tamil
Nadu Electricity Board, Mannargudi
Taluk, Thiruvarur District.

Petitioner(s)

Vs.

1. The Secretary,
Tamil Nadu Electricity Board,
TANGEDCO, 144, Anna Salai, Chennai
- 600002

2.The Superintendent Engineer,
Thiruvarur Electricity Distribution
Circle, TANGEDCO, Thiruvarur
District

3.The Executive Engineer,
Execution and Maintenance, Nagar - II,
TANGEDCO, Mannargudi Taluk,
Thiruvarur District

4.The Assistant Executive
Engineer, Execution and Maintenance,
Nagar - II, TANGEDCO, Mannargudi
Taluk, Thiruvarur District

Respondent(s)



PRAYER: Writ Petition filed under Article 226 of the Constitution of the India to issue a writ of certiorarified mandamus calling for the records relating to the proceedings of the 2nd Respondent in Vide Ku.A.No.54/ Ni.Pil/ Ni.me/ Ni.u.i./ Ko.O.Na.Appeal 2017 dated 04.12.2017 in pursuant to confirming the 3rd respondent proceedings in Ku.A.No.se.po/ e.pa/ Mannai/ NiMa/ Nivi.I/ Ko.thani/ A.No. 2017 dated 23.08.2017 and quash the same.

For Petitioner(s): M/s.G.Murugendran

For Respondent(s): Mr.K.Purushothaman
Standing Counsel

ORDER

This Writ petition has been filed challenging the records relating to the proceedings of the 2nd Respondent Vide Ku.A.No.54/ Ni.Pil/ Ni.me/ Ni.u.i./ Ko.O.Na.Appeal 2017 dated 04.12.2017, in pursuant to confirming the proceedings issued by the 3rd respondent in Ku.A.No.se.po/ e.pa/ Mannai/ NiMa/ Nivi.I/ Ko.thani/ A.No. 2017 dated 23.08.2017.

2. The petitioner has been subjected to disciplinary proceedings in pursuant to the charges issued against him on the allegation that he was negligent in his duties and that he was irregular and insubordinate. On enquiry the charges against the petitioner were proved and he was given with the punishment of stoppage of increment for a period of six months without cumulative effect. The appeal preferred by the petitioner also got dismissed by



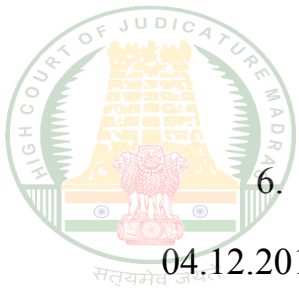
confirming the order of the disciplinary authority.

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3. Mr.G.Murugendran, the learned counsel for the petitioner, submitted that the disciplinary authority has not considered the shortfalls in the report of the Inquiry Officer and did not appreciate the petitioner's explanation.

4. Mr.K.Purushothaman, the learned Standing Counsel for the respondents, submitted that the petitioner himself has admitted that the irregularities were due to the work overburden and he had rectified the defects immediately and no loss was caused to the department.

5. The petitioner submitted in his explanation that he had gone for some alternate duty with the Revenue Official and hence he could not make entries immediately and his failure to make entries in the relevant point of time was not intentional. Even though it is within the powers of the Inquiry Officer to consider the submission made by the petitioner in the light of the charges made against him, the disciplinary authority could have appreciated the same before accepting the Inquiry report. Even if it is taken to be right that the third respondent disciplinary authority had accepted the inquiry report by proceeding to impose punishment on the petitioner, the appellate authority could have considered the grounds raised by the petitioner in the appeal preferred by him.



6. The order passed by second respondent appellate authority dated 04.12.2017 appears to be cryptic and without any discussion on the merits of the submissions made by the petitioner. Only on this limited aspect, I feel it is appropriate to remit the matter to the second respondent to reconsider the appeal raised by the petitioner and pass speaking order on merits afresh.

7. In view of the above, this Writ Petition is partly allowed and the order passed by the second respondent in Ku.A.No.54/ Ni.Pil/ Ni.me/ Ni.u.i./ Ko.O.Na.Appeal 2017 dated 04.12.2017, is set aside and the second respondent is directed to to reconsider the appeal raised by the petitioner and pass speaking order on merits afresh, within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions are closed.

18-02-2025

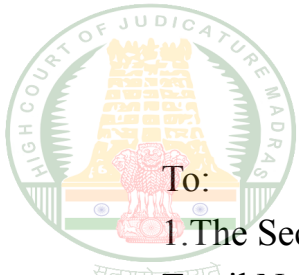
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To:

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R.N.MANJULA J.

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