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W.P.No.31053 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.31053 of 2017

A.Murugan
S/.V.Arumugam

... Petitioner

Vs.

1. The Chairman
TANGEDCO
100, Annasalai
Chenani.

2. The Chief Engineer (Personal)
Anna Salai
NPKRR Maligai
Chennai.

3. The Superintendent Engineer
TANGEDCO
Thiruppur Electricity Distributors Circle
Tiruppur.

4. The Executive Engineer
TANGEDCO
Thiruppur Electricity Distributors Circle
Kangayam.

... Respondents



W.P.No.31053 of 2017

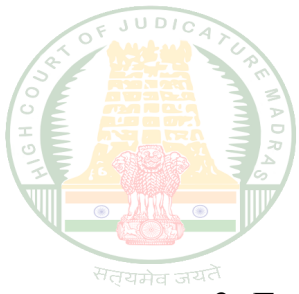
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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records of the 3rd respondent by his proceeding in Ku.A.No.000535/019-II/Ne.Pe1(2)/A.No/2016-1 dated 27.04.2016 and consequential proceedings B.P.No.171, Permanent Board Order (Permanent) Chairman cum Managing Director B.P.No.171 dated 11.10.2017 and quash the same.

For Petitioner	:	Mr.N.Srinivasan for Mr.S.Sairaman
For Respondents	:	Mr.C.Ramkumar Standing Counsel (TNEB)

O R D E R

The captioned Writ Petition (hereinafter referred to as “WP” for the sake of brevity, convenience, and clarity) has been filed seeking issuance of a writ of certiorari to quash the order dated 27.04.2016 issued by the third respondent (hereinafter referred to as the “impugned order”). By the impugned order, the third respondent imposed on the petitioner the punishment of postponement of his next annual increment (3% of pay with grade pay) for a period of one year with cumulative effect, excluding the period, if any, spent on leave.



W.P.No.31053 of 2017

WEB COPY

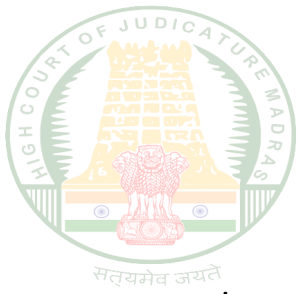
2. Factual Background:

2.1 The petitioner, while serving as Assistant Engineer, R.K. Nagar and later as Assistant Executive Engineer, Anupparpalayam, was issued a show cause notice (hereinafter “SCN”) together with an article of charges, calling upon him to explain why punishment should not be imposed against him for alleged misconduct.

2.2 The petitioner asserts that he submitted a detailed explanation denying the charges. However, without considering his explanation in detail or assigning adequate reasons, the third respondent proceeded to pass the impugned order imposing the penalty referred to above.

3. Mr. N. Srinivasan, learned counsel appearing for the petitioner, submitted that the third respondent failed to advert to or properly consider the explanation offered by the petitioner before passing the impugned order. He contended that the order is non-speaking and arbitrary.

4. Learned counsel further submitted that the Superintending Engineer, who had conducted an enquiry into the matter, communicated to the Chief Engineer that there was no dereliction of duty on the part of the peti-



W.P.No.31053 of 2017

WEB COPY

tioner. Despite this, the third respondent proceeded to impose the punishment, which renders the impugned order arbitrary, discriminatory, and liable to be set aside.

5. Per contra, Mr. C. Ramkumar, learned counsel for the respondents, submitted that the third respondent, after duly considering the petitioner's explanation and the material on record, came to the conclusion that the charges stood proved. He argued that the impugned order suffers from no illegality or infirmity and therefore warrants no interference by this Court. He prayed for dismissal of the writ petition.

6. The rival submissions of the learned counsel for both parties, as well as the materials placed before this Court, have been carefully considered.

7. The charges framed against the petitioner were as follows:

- (i) The delinquent failed to take action, in accordance with Board Rules, to collect the compensation amount. Though he inspected the said electricity service connection in a day and noticed violations, he failed to initiate appropriate steps and did not personally



WEB COPY



W.P.No.31053 of 2017

inspect the company on 23.10.2015.

(ii) Without conducting any inspection at Om Vinayaga Garments Company on 23.10.2015 in respect of electricity service No.172-012-459, the delinquent furnished false information as though he had detected irregularities during inspection, thereby failing to discharge his duties.

(iii) The delinquent failed to advise the employees under his supervision to render honest and sincere service to the Board. Instead, he instructed them to give false statements in connection with the aforesaid proceedings relating to the service connection, thereby committing irregularities.

8. The third respondent issued the SCN dated 15.04.2016, calling upon the petitioner to submit his explanation. It was also indicated that failure to submit the explanation would be construed as the petitioner having no defence, and action would be taken accordingly.

9. The petitioner submitted his explanation on 26.04.2016, denying the charges. However, without conducting a proper enquiry or affording an



W.P.No.31053 of 2017

opportunity of personal hearing, the third respondent passed the impugned order on 27.04.2016.

10. A perusal of the impugned order shows that although the third respondent records that the petitioner's explanation dated 26.04.2016 and other service records were "perused," there is no substantive discussion of the explanation or reasons as to why it was rejected. The order simply concludes that there is no sufficient ground to absolve the petitioner of the charges.

11. It is a well-settled principle in service jurisprudence that before imposing any penalty, the disciplinary authority must conduct an enquiry, afford the delinquent officer an opportunity to examine witnesses and documents, and render a reasoned finding. This requirement is enshrined in Article 311(2) of the Constitution of India, as well as in the relevant Service Regulations.

12. In the present case, no enquiry was conducted. The punishment was imposed solely on the basis of the documents on record and the explanation of the petitioner, without either discussing the explanation or



W.P.No.31053 of 2017

WEB COPY

affording a personal hearing. Such an approach is a clear violation of the principles of natural justice and the safeguards guaranteed under Article 311(2) as well as the service regulations.

13. Accordingly, this Court is of the view, impugned order is unsustainable in law.

14. For the foregoing reasons, the captioned Writ Petition is allowed. The impugned order dated 27.04.2016 issued by the third respondent is hereby quashed.

15. The petitioner shall be entitled to all consequential benefits flowing from this order. It is needless to state that the petitioner shall also be entitled to consideration for promotion, if otherwise eligible, in accordance with the Service Regulations of the respondent Board. Consequently, the connected miscellaneous petition stands closed. There shall be no order as to costs.

22.08.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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W.P.No.31053 of 2017

WEB COPY

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WEB COPY



W.P.No.31053 of 2017

HEMANT CHANDANGOUDAR, J.,

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W.P.No.31053 of 2017

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