



W.P.No.26561 of 2018 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.26561, 26566 & 26570 of 2018 and
W.M.P.Nos.30904, 30909 & 30921 of 2018

W.P.No.26561 of 2018

S.Surendrakumar

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
No.144, Annasalai, NPKRR Maligai,
Chennai - 600 002.

2.The Chief Engineer (Distribution),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Villupuram.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Cuddalore Electricity Distribution Circle,
Cuddalore Post & District.

4.The Executive Engineer (O&M),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Thittakudi Post, Cuddalore District.

... Respondents



W.P.No.26561 of 2018 etc.

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the third respondent in Ku.Aa.No.249 (598)/Me Po/Ka Mi Pa Va/ Kada / Nir.1 / U.3 / Ko.O.Na/2016-5 dated 10.07.2017 and the consequential order passed by the second respondent in Ku.Aa.No.002103/1414/Nir.Pi/Pi.1/2017-1 dated 20.10.2017 and quash the same and consequently, direct the respondents to grant all attendant and monetary benefits to the petitioner.

W.P.No.26566 of 2018

S.Surendrakumar

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
No.144, Annasalai, NPKRR Maligai,
Chennai - 600 002.

2.The Chief Engineer (Distribution),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Pondicherry Road,
Villupuram.

3.The Executive Engineer (O&M),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Thittakudi Post,
Cuddalore District.

... Respondents



W.P.No.26561 of 2018 etc.

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the second respondent in Ku.Aa.No.13370/1658(2)/Nir.Pi/Pi.1/2017/10 dated 21.05.2018 and quash the same and consequently, direct the respondents to grant all attendant and monetary benefits to the petitioner.

W.P.No.26570 of 2018

S.Surendrakumar

... Petitioner

Vs.

- 1.The Chief Engineer (Distribution),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Villupuram.
- 2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Cuddalore Electricity Distribution Circle,
Cuddalore Post & District.
- 3.The Executive Engineer (O&M),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Virudhachalam Post,
Cuddalore District.
- 4.The Executive Engineer (O&M),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Thittakudi Post,
Cuddalore District.

... Respondents



W.P.No.26561 of 2018 etc.

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the third respondent in Ku.Aa.No.3080/Se.Po./E&Pa/Viru/Nir/U.01/2017-4 dated 21.11.2017 and the consequential order passed by the second respondent in Ku.Aa.No.017615/56/Me.Po/Ka Mi Pa Va / Kada / Nir.1/U.3/Ko.Me.Mu/2017-1 dated 02.05.2018 and quash the same and consequently, direct the respondents to grant all attendant and monetary benefits to the petitioner.

In all W.Ps.

For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.P.Subramanian

COMMON ORDER

The petitioner who was working as an Assistant Engineer in the respondent Corporation has filed these Writ Petitions challenging the charge memos issued against him.

2. Heard Mr.M.Saravanakumar, learned counsel for the petitioner, Mr.P.Subramanian, learned Standing Counsel for the respondents in all the Writ Petitions and perused the materials available on record.



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3. The issue involved in W.P.No.26561 of 2018 is about the charges of not collecting the damages caused by the lorry by hitting against the electricity line and electric poles and damaged them on 29.10.2015 at about 8 p.m. The petitioner has given his explanation stating that he was instructed by the Superior Officer to leave the lorry as the service of the lorry was needed for the next day Minister's function.

4. But, that does not mean that the petitioner should not pursue the action for recurring damages for causing damage to the electricity line and electric poles. The petitioner has been given with an opportunity to offer his explanation. In his explanation, he did not deny the fact that the lorry had caused damages. In fact, the petitioner himself has stated that he was instructed by the Assistant Executive Engineer through cell phone to get consent letter from the driver of the lorry to pay damages caused to the electricity line and electric poles. He did not agree to give a consent letter to give a police complaint. The petitioner did not follow the instructions and he did not even prepare estimate for the loss caused during the said incident.

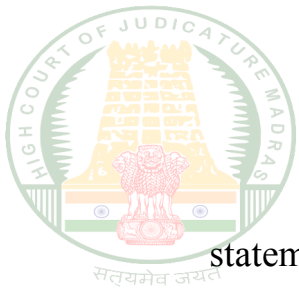


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5. In fact, the petitioner has gone to Sirupakkam Panchayat President and asked him to pay the damages. When the damages were not caused due to any inaction on the part of the Panchayat President or due to any natural calamity, the petitioner had to initiate action only against that person who had caused damage. When the petitioner is expected to follow certain rules and initiate action in accordance with the rules and in a particular manner, he cannot deviate the same and make the Panchayat President liable to pay compensation. As the respondent Corporation has installed the new pole and incurred expenditure, the petitioner is liable for the same.

6. The next charge against the petitioner in the first charge memo is about choosing a wrong spot in an agricultural land for installing the pole which resulted in the damage to the pole. When the owner of the land had cut the coconut trees. Even when the Department witness No.4 had inspected the spot and found that the pole was damaged in view of cutting of coconut trees, the petitioner has given a contradictory



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statement stating that the coconut trees have fallen down due to the heavy wind and rain.

7. As the charges against the petitioner has been proved not only through oral evidence of the Department but also through the Inspection Report which has noted down the physical features of the place where the occurrence had happened, there is no reasons to find fault with the report of the Enquiry Officer. The disciplinary authority also applied his mind for accepting the Enquiry Officer's report and imposed the punishment of stoppage of increment for two years without cumulative effect by excluding the leave period, if any.

8. As the punishment imposed does not appear to be disproportionate to the charges proved and the Appellate Authority also appreciated the merits of the appeal preferred by the petitioner and confirmed the order of the disciplinary authority, I do not find any reasons for interference. It is to be noted that in the Writ Petition filed challenging the order of punishment passed by the appropriate authorities



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in pursuant to the disciplinary proceedings, the Court has got only limited power for interference. As such, there is no violation of principles of natural justice and the enquiry has been made in accordance with the rules by the authorities who are competent to initiate the same and the punishment was also not disproportionate to the charges framed and proved against the petitioner. Hence, I do not find any reasons for interference with the impugned order passed in Ku.Aa.No.002103/1414/Nir.Pi/Pi.1/2017-1 dated 20.10.2017. Hence, the Writ Petition in W.P.No.26561 of 2018 is liable to be dismissed.

9. The issue raised in W.P.No.26566 of 2018 is that the petitioner has been given with the charges by the Chief Engineer himself by alleging that the petitioner has demanded a bribe of Rs.10,000/- from the consumer for himself and Rs.5,000/- for the Deputy Chief Financial Controller and the other charge is that he had replaced the electrical meters in respect of four connections despite the meters were functioning in a good condition, thereby caused a loss of Rs.1,35,319/- to the Department.



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10. The learned counsel for the petitioner submitted that the charges have been framed by the Chief Engineer who is the Appellate Authority and hence, the proceedings are vitiated.

11. The learned Standing Counsel for the respondents submitted that as the Deputy Chief Financial Controller also involved in the charges, the Chief Engineer has issued the charges.

12. Whatever may be the reason, the records would show that the charge with regard to demand of bribe has not been proved. So far as the second charge of installing new electrical meters in the place of old meters in respect of four connections, though the meters are running in a good condition, the consumers themselves have paid the charges for new meters. The consumers in respect of four connections have not been examined to state that they have unnecessarily spent money on the replacement of the meters. Hence, I feel the second charge is not supported with material facts to establish the loss caused to the Corporation.

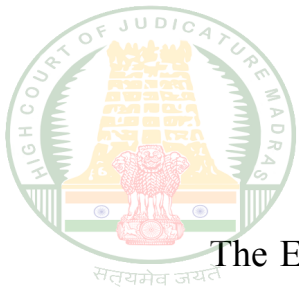


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13. It is not denied by the respondents that the consumers have borne the cost towards new electrical meters replaced in respect of their connections. As the petitioner has recovered the damages from the respective consumers, the second charge ought not to have been held as proved against the petitioner. As the essential materials with regard to the charges were omitted to be considered and that had affected the result of the enquiry, I feel the punishment imposed against the petitioner has to be interfered. Even though there is no substantial materials available to prove the second charge against the petitioner, the petitioner has been imposed with the punishment of stoppage of increment for one year without cumulative effect. Hence, the Writ Petition in W.P.No.26566 of 2018 should be allowed and the impugned order passed in Ku.Aa.No.13370/1658(2)/Nir.Pi/Pi.1/2017/10 dated 21.05.2018 is liable to be set aside.

14. The issue raised in W.P.No.26570 of 2018 is that the petitioner has been given with charge memo under Section 8(a) of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulation to impose minor penalty in the event of allegations proved against the petitioner.

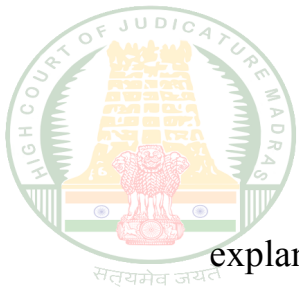


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The Executive Engineer has issued a memo to the petitioner stating that during his inspection on 19.04.2017, he noted down certain defects in 15 registers maintained by the petitioner and he instructed the petitioner to rectify the same. Thereafter, the very same Officer had inspected on 04.10.2017 also and he found that the rectification were not done in the above registers.

15. The learned counsel for the petitioner submitted that the petitioner has not been given with any opportunity to offer his explanation.

16. The petitioner has filed an appeal before the Appellate Authority wherein he has stated that the punishing authority did not take any consideration to his explanation. In the grounds of appeal, he did not state that he was not given with the opportunity to submit his explanation. Even in the impugned order also, it has been stated that the petitioner has received a memo on 24.10.2017 and he has given his explanation on 26.10.2017. In fact, the petitioner has already been given with a memo on 19.04.2017 and for which, he has not given with any



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explanation. When the very same officer inspected on 04.10.2017 and had issued a memo once again on 24.10.2017, then only the petitioner had given his explanation on 26.10.2017. In fact in the grounds of appeal itself, the petitioner has stated in the second paragraph that he has submitted his explanation on 26.10.2017.

17. The petitioner has filed an appeal on 30.12.2017 and the same has been considered and rejected. On perusal of the orders passed in the appeal, it is seen that the appellate authority has not considered the essential grounds raised by the petitioner, especially that he was working at Keezhakalpoondi between 21.01.2013 and 10.11.2017 and that the records were not maintained properly even while he joined. Hence, the order of the appellate authority should be set aside and the Writ Petition in W.P.No.26570 of 2018 should be partly allowed.

18. In the result,

(i) W.P.No.26561 of 2018 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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(ii) W.P.No.26566 of 2018 is allowed and the impugned order passed in Ku.Aa.No.13370/1658(2)/Nir.Pi/Pi.1/2017/10 dated 21.05.2018 is set aside. No costs. Consequently, miscellaneous petition is closed.

(iii) W.P.No.26570 of 2018 is partly allowed and the order passed by the appellate authority in Ku.Aa.No.017615/56/Me.Po/Ka Mi Pa Va / Kada / Nir.1/U.3/Ko.Me.Mu/2017-1 dated 02.05.2018 is set aside and the appeal is remitted back to the second respondent to dispose afresh by considering the grounds raised by the petitioner on appeal and discussing the same and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. In respect of the rest of the relief, this Writ Petition is partly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

gsk

To

1.The Chairman,
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Tamil Nadu Electricity Board,
No.144, Annasalai, NPKRR Maligai, Chennai - 600 002.

2.The Chief Engineer (Distribution),
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