



W.A.(MD)No.98 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A.(MD)No.98 of 2022 and
C.M.P(MD)No.1028 of 2022

G.Ponnu Pandey

... Appellant/ petitioner

-VS-

1. The Chief Engineer (Distribution),
TANGEDCO,
Madurai Division,
Madurai – 625 007.

2. The Superintending Engineer (Distribution),
TANGEDCO,
Dindigul Distribution Circle,
Dindigul.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order of this Court made in W.P(MD)No.22312 of 2015, dated 23.11.2021.

For Petitioner : Mr.H.Mohammed Imran

For Respondents : Mr.B.Ramanathan



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Additional Government Pleader

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JUDGMENT

(Judgment of the Court was made by **Dr.G.JAYACHANDRAN, J.**)

Aggrieved by the order passed by the learned Single Judge in W.P.(MD).No.22312 of 2015 dated 23.11.2021, the present intra-Court appeal is preferred by a delinquent employed under the TANGEDCO, who had been found guilty of grave misconduct.

2. The contention of the appellant that he was not given adequate opportunities in the enquiry proceedings, was not found to be correct and the learned Single Judge after considering the merits of the case had modified the punishment into stoppage of increment for a period of two years without cumulative effect.

3. The learned Single Judge has taken into account that the delinquent has already attained superannuation and therefore, the said modification in the punishment is required. The writ appeal is filed challenging the said order on the ground that the enquiry officer failed to consider the explanation in proper perspective and findings of the appellate authority without assigning reason



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ought to have been interfered into and the learned Single Judge should have to set aside the punishment instead of modifying the same.

4. The Additional Government Pleader appearing for the respondents submit that records has been placed during enquiry proceedings to prove the charges. The delinquent did not participate in the hearing deliberately. Only after examining the witnesses and perusing the records, the order of stoppage of two increments without cumulative effect was imposed by the learned Judge.

5. Heard the learned counsel on either side and perused the material records.

6. The learned Single Judge considering the fact that the delinquent has attained superannuation, modified the order with the stoppage of two increments without cumulative effect. Perusal of the records and the order impugned, this court finds that the enquiry officer and the appellate authority were the facts finding authorities and they had found the charges against the delinquent proved. The contention that no opportunity was given to the appellant and the order of the appellate authority is cryptic been considered by the learned Single Judge and thought fit that though those contentions are



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baseless the punishment imposed requires modification to the stoppage of

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increments without cumulative effect, this Court finds no reason or justification to interfere the order of the learned Single Judge in W.P(MD)No.22312 of 2015, dated 23.11.2021. Hence, the writ appeal is dismissed. Consequently, connected miscellaneous petition is closed.

[G.J., J.]

[R.P., J.]

20.03.2025

NCC :yes/No

Index :yes/No

Internet:yes/No

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