

WP(MD). No.16388 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.01.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.16388 of 2017
and
WMP(MD)No.13054 of 2017

C.Murugan

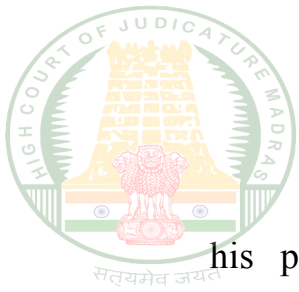
... Petitioner

versus

1. The Chief Engineer (Distribution)
TANGEDCO
Tirunelveli Region,
Tirunelveli.
2. The Superintending Engineer (Distribution)
TANGEDCO
Tirunelveli Division,
Tirunelveli – 2.
3. The Assistant Engineer (Distribution)
TANGEDCO
Sankarankovil
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned proceedings issued by the 2nd respondent in



WP(MD). No.16388 of 2017

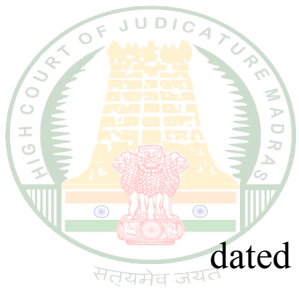
his proceedings Nos.2 No.022198/593/Ni.Pi.4/Vu.1/Ko.Dis.proc/2015 dated 04.10.2016 which was confirmed by the first respondent in his proceedings in Na.Ka.No.Ku.A.No.00767/025/Ni Pi/C1/Ko.D.P/2017 dated 26.07.2017 and consequential order passed by the 2nd respondent in his proceedings in No.Me.Ku.Aa No.020648/508/Ni.Pi.4/Vu.1/Ko.O.Na/2017 dated 07.08.2017 and quash the same as illegal and unconstitutional.

For Petitioner : Mr.C.Jeganathan,
for M/s.Veera Associates

For Respondents : Mr.S.Arivazhagan,
Standing Counsel

ORDER

The petitioner is working as a Foreman in TANGEDCO. He was issued with a charge memo. Thereafter, he was imposed with a punishment of stoppage of annual increment for a period of two years with cumulative effect, by proceedings of the 2nd respondent dated 04.10.2016. In the said proceedings, the petitioner was directed to pay a sum of Rs.42,060/- towards the loss caused to TANGEDCO. As against the order of punishment dated 04.10.2016, the petitioner has preferred an appeal before first respondent and the same was rejected by proceedings



WP(MD). No.16388 of 2017

dated 26.07.2017. Challenging the same, the petitioner has filed this writ petition.

2. The learned counsel appearing for the petitioner submits that the works were executed under the supervision of the Assistant Executive Engineer, however, without taking any action as against the Assistant Executive Engineer, the petitioner has been made as a scapegoat. He further submits that the petitioner was not provided with the deposition copy.

3. The learned Standing Counsel appearing for the respondents submits that the petitioner was inducted into service on compassionate appointment and he was promoted upto the level of Foreman. The petitioner has indulged in the following charges.

“i. The petitioner did not handover the new meters to their subordinates fit those new meters for new service connections. He himself used to fix the new meters instead of suboradinate staff and not to give the shifting of meter work to their subordinate staff in the ulterior intention of demanding money from the subscriber/customer.



WEB COPY



WP(MD). No.16388 of 2017

ii. The petitioner took the extension of service connection and DCW works on his own interest with malafide intention of demanding money from the subscriber. That works are to be done by Line Inspector cadre.

iii. The petitioner has done the unauthorized High Tension line deviation work in the back portion of the Unnamalai Engineering College Canteen such as to heighten the existing line which is existing in the low ground clearance for easy transporting of vehicles underneath to them. Subsequently the petitioner has received the sum of Rs.12,000/- from Unnamalai Engineering College for shifting the existing High Tension line in his own accord and executed the work with TANGEDCO's line materials without any prior permission from Board's higher officials and without any authentication of even receiving any requesting letter from the concerned College Committee.”

Since the allegations are serious in nature and there is also a corruption charge, the punishment order has been passed. According to him, the punishment imposed against the petitioner is very minimum. The learned counsel has also referred to the finding of the Enquiry Officer that the



WP(MD). No.16388 of 2017

petitioner went to the extent of intimidating the inquiry officer.

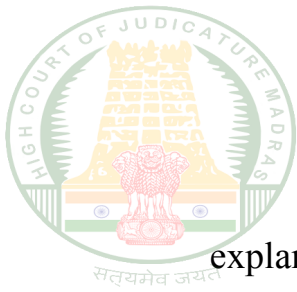
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4. This Court considered the rival submissions and perused the materials placed on record.

5. The petitioner was issued with a charge memo. One of the charges is that he has received a sum of Rs.12,000/- from Unnamalai Engineering College for shifting the high tension line. The Enquiry Officer, who conducted an enquiry, has submitted a report on 06.04.2016 that the charges were held proved. Based on the enquiry report, the order of punishment was passed as against the petitioner.

6. The petitioner claims that the deposition copies have not been furnished to him and therefore, the order of punishment is liable to be set aside.

7. From the perusal of records, the petitioner was issued with the second show cause notice dated 25.07.2016, for which, he has offered his explanation on 13.08.2016 and he has also submitted his further



WP(MD). No.16388 of 2017

explanation on 23.09.2016. In these explanations, the petitioner has not insisted for deposition copies.

8. The scope of judicial review in matters relating to disciplinary proceedings is very limited. It is meant to ascertain as to whether due process was followed and whether a fair opportunity was accorded to the employee concerned. The power of Courts is limited to reviewing the decision making process, rather than the merits of the decision itself. This is to ensure fairness in treatment and not the fairness of the conclusion. The Courts should not interfere with the findings of the fact arrived at in the departmental enquiry proceedings, except in cases of mala fide or perversity.

9. In the case on hand, the petitioner has not made out any case that there was any procedural violation or any mala fide or perversity. Further, the petitioner was also allowed to participate in the enquiry and only thereafter, the order of punishment has been passed. Therefore, this Court is not inclined to accept the contention of the petitioner.



WP(MD). No.16388 of 2017

10. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

22.01.2025

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / NO.

To

1. The Chief Engineer (Distribution)

TANGEDCO

Tirunelveli Region,

Tirunelveli.

2. The Superintending Engineer (Distribution)

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Tirunelveli – 2.

3. The Assistant Engineer (Distribution)

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WEB COPY



WP(MD). No.16388 of 2017

B.PUGALENDHI, J.

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WP(MD) No.16388 of 2017

22.01.2025