



W.P.(MD)No.30870 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.01.2025

CORAM:

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.30870 of 2023**

**and**

**W.M.P(MD).Nos.26499 and 26502 of 2023**

R.Raja Rajendran

... Petitioner

Vs.

The Superintendent Engineer,  
Tamil Nadu Generation and Distribution Corporation,  
North/Metro,  
Madurai.

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned punishment order passed by the respondent in கு.எண். 98/மே.பொ/மமிபவ/பெரு/மது/நி.அ/நமே/நிபி2/உ4/கோ.ம.பொ/2022 dated 09.02.2022 and the impugned order passed by the respondent in Memo.No:SE/MEDC/Metro/Mdu/Ado/Adm2/A1/RWEPanels/D.No199/2022 dated 04.05.2020 quash the same as illegal and consequently direct the respondents to include my name in the promotion list fit for promotion to the post of Foreman Special Grade with effect from 04.05.2020 and grant all consequential monetary and other attendant benefits.



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For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.B.Ramanathan  
Standing Counsel

### **ORDER**

Mr.B.Ramanathan, learned Standing Counsel takes notice on behalf of the respondent.

2. The instant writ petition has been filed by Foreman Grade – I, challenging the order of punishment as well as the order of deferred promotion imposed by the 1<sup>st</sup> respondent on 09.02.2022, wherein the petitioner has been imposed with a punishment of postponement of two increments without cumulative effect.

3. A perusal of the impugned order reveals that as against the order of punishment imposed by the 1<sup>st</sup> respondent, appeal lies before the 2<sup>nd</sup> respondent. However, without filing an appeal before the 2<sup>nd</sup> respondent, the present writ petition has been filed.



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4. The learned Standing Counsel appearing for the respondent pointed out that when a statutory appeal remedy is available, the present writ petition is not maintainable. However, the learned counsel for the petitioner contended that the petitioner has preferred this writ petition for violation of principles of natural justice.

5. The learned Standing Counsel for the Respondent further submits that the petitioner has undergone a punishment and since there is no check period, the petitioner's name will be considered for promotion as and when his seniority arises.

6. I have considered the submissions made by either side and perused the materials available on records.

7. A perusal of the impugned order reveals that the petitioner has been issued with a charge memo on 13.03.2020 and he has submitted his explanation on 07.10.2020. The enquiry report was submitted on



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08.01.2021 and further explanation was called for from the writ petitioner on 22.02.2021. After perusing the further explanation submitted by the writ petitioner, the impugned order of punishment has been passed. Therefore, in such circumstances, this Court is of the considered opinion that the petitioner has to invoke only the appeal remedy.

8. In view of the above said facts, the writ petition is disposed of with the following directions :-

- (a) The petitioner is at liberty to submit his appeal to the 2<sup>nd</sup> respondent within a period of 4 weeks from the date of receipt of a copy of this order.*
- (b) On receipt of the appeal, the 2<sup>nd</sup> respondent is directed to dispose of the appeal within a period of 12 weeks from the date of receipt of a copy of the appeal.*
- (c) No costs. Consequently, connected miscellaneous petitions are closed.*

**20.01.2025**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
rgm



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To

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The Superintendent Engineer,  
Tamil Nadu Generation and Distribution Corporation,  
North/Metro,  
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**R.VIJAYAKUMAR, J.**

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