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*W.P.No.33427 of 2015*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

**W.P.No.33427 of 2015**

**and**

**M.P.No.1 of 2015**

A.Sridharamoorthy  
S/o.D.Amirthavasagam

... Petitioner

VS.

1. Tamil Nadu Generation and  
Distribution Corporation Limited  
Rep. By its Chairman cum  
Managing Director  
No.144, Anna Salai,  
Chennai-600 002.
2. The Chief Engineer (Personnel)  
Tamil Nadu Generation and Distribution  
Corporation Limited  
No.144, Anna Salai,  
Chennai-600 002.
3. The Chief Engineer (Distribution)  
(Coimbatore Region)  
Tamil Nadu Generation and  
Distribution Corporation Limited  
Tatabad, Coimbatore – 12.



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4.

The Superintending Engineer  
TANGEDCO, Kadamparai Generation Circle  
Minparai, Valparai Taluk  
Coimbatore – 642 101.

... Respondents

R4 suo-motu impleaded as per order  
dated 20.09.2024 in W.P.No.33427 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records pertaining to the order in Memo No.15736/724/Ni.Pi.2(4)/2011-12 dated 05.08.2013 issued by the third respondent / Disciplinary Authority and the order passed by the 1<sup>st</sup> respondent / Appellate Authority in TANGEDCO Nilai No.88 dated 20.04.2015 and communicated by the 2<sup>nd</sup> respondent confirming the order and punishment imposed by the 3<sup>rd</sup> respondent, quash the same and consequently, direct the respondents to settle the petitioner forthwith all the remaining terminal benefits namely, full monthly pension commuted value of pension, death cum retirement gratuity, earned leave salary, leave salary for the leave on private affairs, based on the last drawn pay payable to him in the post of Executive Engineer after granting him annual increment from 2.7.2016 and giving him pay fixation for the post of Executive Engineer with effect from 2.7.2016, with arrears and other consequential benefits, together with interest, after adjusting the provisional pension already paid, award costs.

\* Prayer amended as per order dated 29.01.2024 in  
W.M.P.No.23523 of 2019 in W.P.No.33427 of 2015

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For Petitioner : Ms.V.Porkodi  
For Respondents : Mr.C.Ramkumar  
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## **ORDER**

The captioned writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 05.08.2013 passed by the third respondent / Disciplinary Authority and the order dated 20.04.2015 passed by the first respondent, and to quash the same.

2. By the impugned order dated 05.08.2013, the third respondent imposed the punishment of stoppage of the next annual increment for a period of three years at the rate of 3% of the basic pay and grade pay, with cumulative effect, including the period, if any, spent on leave. The said order passed by the third respondent was confirmed by the first respondent – Appellate Authority.

3. The petitioner, while serving as an Assistant Executive Engineer in the respondent Corporation, was issued a charge memo dated 14.09.2011 containing four charges, along with a statement of witnesses, alleging



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corrupt practices, fabrication of documents, and dereliction of duty. The petitioner submitted a reply denying all the charges. Not being satisfied with the explanation, the third respondent initiated disciplinary proceedings against the petitioner.

4. The Enquiry Officer, after recording the statements of the management witnesses and the petitioner, rendered a finding that Charges 1, 3, and 4 stood proved, while Charge No. 2 was not proved. Thereafter, the petitioner was served with the enquiry report along with a second show cause notice. The petitioner submitted a further explanation denying the charges and challenging the findings of the Enquiry Officer. After considering the enquiry report and the further explanation submitted by the petitioner, the third respondent passed the impugned order, which was upheld by the first respondent – Appellate Authority. Hence, the present writ petition.

5. Ms. V. Porkodi, learned counsel for the petitioner, submitted that the complainant, in his evidence before the Enquiry Officer, had categorically stated that the petitioner had not demanded any gratification for approval of the service connection. She further submitted that the

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allegation of non-cooperation with the Vigilance Team is without any substance, since the Vigilance Team, consisting of three members, was not examined by the Enquiry Officer.

6. It was further contended that the allegation of fabrication of documents is unfounded and unproved, as no witnesses were examined to establish that the entry made in the Register was at the instance of the petitioner. Therefore, in the absence of any cogent evidence to substantiate the allegations against the petitioner, the findings rendered by the Enquiry Officer are perverse and arbitrary. Under such circumstances, the impugned order passed by the third respondent, based solely on the findings of the Enquiry Officer and without considering the further explanation submitted by the petitioner, is arbitrary, discriminatory, and violative of Article 14 of the Constitution of India.

7. In response, Mr. C. Ramkumar, learned counsel for the respondent Corporation, submitted that the evidence before the Enquiry Officer clearly establishes that the petitioner had demanded gratification from the complainant for approval of the service connection. He further submitted that the petitioner had misbehaved with and failed to cooperate with the



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Vigilance Team at the time of enquiry, which amounts to misconduct. It was also contended that the evidence establishes that the petitioner had tampered with the Register. Therefore, when the findings rendered by the Enquiry Officer are based on the evidence on record, this Court cannot interfere with such findings.

8. The arguments advanced by the learned counsel on either side and the materials placed on record have been duly considered.

9. Charge No.1 relates to the allegation that Mr. Muthuvel had submitted applications to obtain seven electricity service connections in favour of his wife and six electricity service connections in favour of his son for an apartment building. When Mr. Yasin, an Electrical Contractor, approached the petitioner and Mr. Palanichamy, Commercial Inspector, for registration of the said electricity service connection applications, they allegedly demanded a total sum of Rs.1,30,000/- as bribe at the rate of Rs.10,000/- per connection. Thereafter, Yasin negotiated with them and agreed to pay Rs.1,00,000/- as bribe for providing the said electricity service connections. When Yasin informed them that Rs.50,000/- would be paid at the time of registration and the balance Rs.50,000/- at the time of providing

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the connections, the petitioner allegedly categorically informed him that the applications would be registered only upon payment of the full amount and instructed him to meet him in person at his office. Accordingly, the complainant met the petitioner on 06.05.2011, whereupon the petitioner allegedly demanded a sum of Rs.1,00,000/-. The complainant thereafter stated that he would go home, bring the money, and handed over the applications to the petitioner.

10. To substantiate the above charge, the management examined the complainant as PW1. The charge was read over to the petitioner, who denied the same. PW1, the complainant, in his statement, categorically stated that he did not know who had demanded money for providing the electricity service connection. He further admitted that he had not met the petitioner in person. A suggestion was put to the complainant as to whether it was correct to state that the petitioner had not demanded any money from him as gratification, to which he replied in the affirmative. The complainant categorically stated that the petitioner had not demanded any gratification for approval of the service connection.



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11. In the absence of any cogent evidence to establish the above charge against the petitioner, the findings rendered by the Enquiry Officer on the evidence are perverse and arbitrary. Under such circumstances, this Court can interfere with the said findings as well as the order of punishment.

12. Insofar as Charge No.2 is concerned, the Enquiry Officer has recorded a finding that the said charge was not proved.

13. Charge No.3 relates to the allegation that, during the enquiry conducted on 06.05.2011 by the Vigilance Team consisting of three officers, in the presence of one Mr. Sivakumar, based on a complaint alleging that the petitioner had demanded bribe and refused to register the electricity service connection, the petitioner was asked to submit a written statement explaining the allegations made and the incidents that occurred during the enquiry.

14. It is alleged that, while the petitioner was writing his statement, he addressed the Vigilance Officers stating that they were not accepting the statement written by him and were insisting that he should write the statement as per their bidding. It is further alleged that they had tortured and



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coerced the petitioner and obtained the statement by enquiring him until 10.30 p.m., and that he had threatened to commit suicide on account of the false complaint lodged against him. It is also alleged that, in order to escape from the enquiry by the Vigilance Officers, the petitioner had lodged a false complaint against the said Vigilance Officers of the Vigilance Team. Being an officer holding a responsible post, it is alleged that the petitioner did not extend cooperation to the Vigilance Team in discharging their duties and behaved in a disorderly manner, thereby committing misconduct.

15. To substantiate the above charge, PW3, Sivakumar, was examined. He stated that he was present when the Vigilance Team enquired the petitioner on 06.05.2011 pursuant to the complaint lodged by Muthuvel. According to PW3, the petitioner was enquired into in respect of the said complaint and was requested to submit his written statement. PW3 further stated that the petitioner alleged that the Vigilance Team had refused to accept the statement written by him and had insisted that he should write the statement as per their bidding, and that the petitioner had threatened to commit suicide.



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16. In the cross-examination, a specific suggestion was put by the petitioner to PW3 as to whether he had affixed his signature as a witness in the statements obtained from Muthuvel and Yasin, the electrical contractor, to which he stated that Muthuvel's statement was directly recorded by him as narrated by Muthuvel. However, he admitted that he had not affixed his signature as a witness in any of the three statements. He further admitted that the enquiry commenced at 6.40 p.m. and concluded at 10.15 p.m. Though he stated that he was present at the time of enquiry, he had not affixed his signature in the report submitted by the Vigilance Team.

17. When Charge No.3 is framed on the basis of the statements of the three Vigilance Officers, who were allegedly threatened by the petitioner, the said three witnesses are crucial witnesses. Admittedly, none of them were examined before the Enquiry Officer. In the absence of examination of the said witnesses, the charge against the petitioner cannot be held to be proved.

18. Further, the finding that Charge No.3 stood proved is based solely on the statement of PW3, who has admittedly not signed either the complaint or the Vigilance report as a witness. Therefore, the statement of



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PW3, by itself, is insufficient to substantiate the charge, especially when the primary witnesses to the alleged misconduct were not examined.

19. Accordingly, the finding rendered by the Enquiry Officer holding that Charge No.3 is proved is based on no evidence and cannot be sustained.

20. Charge No.4 relates to the allegation that, during the vigilance enquiry conducted on 06.05.2011, the petitioner forced Mr. R. Nagarajan, Special Grade Agent, to make an entry in the Job Allocation Register stating that the work was carried out on 23.04.2011, whereas the erection of the new electric post in front of the complainant's wife's house had, in fact, been completed on 21.04.2011, thereby allegedly fabricating the records.

21. In order to substantiate the said charge, PW4 was examined before the Enquiry Officer. PW4 stated that the work of rectifying the electric pole, which had leaned during the construction of a drain in the Narayanasamy Nagar area, was carried out on the morning of 21.04.2011 and was completed at about 2.00 p.m. Thereafter, while the petitioner was present in the office at about 3.00 p.m., he instructed PW4 that the work of erecting a new electric post in front of the complainant's wife's house had to be carried



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out. The said work was completed with the help of the workmen at about 5.00 p.m.

22. PW4 further stated that when he returned to the office in the afternoon, the petitioner asked him to mention the date on which the work was carried out. As PW4 did not remember the exact date and the date had not been recorded in the Job Allocation Register, he informed the petitioner that he did not know. Since the work had been allotted on the day prior to the petitioner's leave, PW4, as instructed by the petitioner, entered the date as 23.04.2011. PW4 also stated that he made the same entry when he was enquired by the Vigilance Officer on 06.05.2011.

23. Significantly, there is no statement by PW4 to the effect that the petitioner either forced or instructed him to falsely record that the work was completed on 23.04.2011 instead of 21.04.2011. On the contrary, PW4 has categorically stated that, since the work was allotted on the day prior to the petitioner's leave, he himself recorded the date as 23.04.2011. No evidence has been placed on record to attribute any wrongdoing to the petitioner with respect to the entry made by PW4 indicating that the work was carried out on 23.04.2011 instead of 21.04.2011.

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24. Therefore, the finding rendered by the Enquiry Officer that the register was fabricated at the instance of the petitioner is based on no evidence and is contrary to the statement of PW4. Consequently, the said finding is arbitrary, perverse, and liable to be interfered with.

25. Further, the Disciplinary Authority, without independently considering the evidence available on record, has merely accepted the findings of the Enquiry Officer. Though the petitioner had submitted a further explanation, the Disciplinary Authority has failed to assign any reasons for rejecting the same and has mechanically accepted the findings of the Enquiry Officer.

26. It is a settled principle of law that punishment in a departmental enquiry can be sustained only when the foundational requirements of a valid charge memo, adherence to principles of natural justice, proof of charges by legally acceptable evidence, independent application of mind by the disciplinary authority are strictly complied with. Any infraction of these essential elements vitiates the entire disciplinary proceedings and renders the order of punishment liable to be quashed. Therefore, the impugned order of punishment does not satisfy the essential requirements of law, namely, the



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existence of legally acceptable evidence to prove the charges and due application of mind by the Disciplinary Authority. Hence, it is not legally sustainable.

27. In the light of the foregoing discussions, this Court is of the considered view that, in the absence of any cogent evidence to substantiate the allegations, the impugned order passed by the third respondent and confirmed by the first respondent is not legally sustainable.

28. This Court, by order dated 16.10.2015, directed the parties to maintain status quo. In view of the subsistence of the said status quo order, the order of punishment was not implemented. However, the petitioner retired from service on attaining the age of superannuation on 31.05.2017.

29. Accordingly, the captioned writ petition is allowed. The order dated 05.08.2013 passed by the third respondent / Disciplinary Authority and the order dated 20.04.2015 passed by the first respondent are hereby quashed.

30. The third respondent is directed to extend full pensionary and other terminal benefits which were withheld by the respondent Management



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citing the pendency of the present writ petition. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

**05.02.2026**

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

*mk*

*To*

1. Tamil Nadu Generation and Distribution Corporation Limited  
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Managing Director  
No.144, Anna Salai, Chennai-600 002.
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**HEMANT CHANDANGOUDAR, J.,**

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