
(1967) 01 MAD CK 0041
In the Madras High Court

Natarajan (M.)

APPELLANT

Vs

Madras State Electricity Board

RESPONDENT

Date of Decision : 04-01-1967

Acts Referred:

Citation : (1967) 2 LLJ 124 : (1967) 80 LW 526

Hon'ble Judges : Kailasam, J

Bench : Single Bench

Judgement

Kailasam, J.—This petition Is filed for the issue of a writ of certiorari calling for the records of the Madras State Electricity Board represented by the Superintending Engineer, Mettur Electricity System, and to quash his order made in Memorandum No. ADM. 1/04/1734/66, dated 8 July 1966, reverting the petitioner as cleaner, II grade, from the post of lorry-driver, II grade.

2. The petitioner joined the Electricity Department of the Government of Madras In September 1949, as mechanic. When the State Electricity Board took over the electric supply, the petitioner's services were transferred to the board. At that time he was a lineman-driver. In 1964 certain charges were framed against the petitioner. On 10 April 1964, a memorandum was given to the petitioner charging him that he failed to deliver a letter which was intended for a superior officer. The petitioner was also charged that he failed to follow instructions before taking a vehicle from Mettur Dam to Salem. The petitioner offered an explanation and the first chargesheet was given to the petitioner on 11 June 1964. In this chargesheet in addition to the two charges mentioned in this memorandum dated 10 April 1964, namely, non-delivery of a letter to an officer and failure to take instructions before taking a vehicle, a third charge was added, namely, that the explanation he submitted was false. The third charge related to the giving of the false statement in explaining the two charges given to him under the memorandum dated 10 April 1961. The second chargesheet was given to the petitioner on 26 March .1965, which related to making a false claim for travelling allowance for three days in October 1964. Subsequently, another memorandum

was issued on 29 March 1965, charging the petitioner with taking a non-departmental man in van. The petitioner submitted his explanation on 6 April 1965 and a chargesheet was given to the petitioner in which, in addition to the charge mentioned in the memorandum, that he misused the van, the charge that he suppressed the facts of the case in his explanation was also framed. A fourth memorandum was given on 21 April 1965, alleging that the petitioner failed to maintain the van properly. The petitioner submitted an explanation and the fourth chargesheet was served on the petitioner on 22 July 1965 In which, in addition to the charge that he failed to maintain the van properly, a charge that he suppressed fall facts was also framed against him. An enquiry was conducted and a provisional show-cause notice was issued to the petitioner on 6 April 1966, and on 8 July 1968, the impugned order reverting the petitioner to the post of cleaner was passed.

3. In this writ petition, learned Counsel for the petitioner submitted that the order is not maintainable on the ground that the reduction of the petitioner as cleaner is contrary to Rule 31 of the Madras State Electricity Board Standing Orders which provides that

no workman shall be demoted to any post or grade lower than to which he was initially recruited under the board.

Secondly, it was contended that the enquiry officer was prejudiced as, after receiving the explanation to the three memoranda, an additional charge for suppressing the facts was framed against him. It was submitted that the enquiring officer in rejecting the explanation and framing a charge on the basis that the explanation is false has prejudged the issue and, therefore, even the charges relating to the other matters are not sustainable.

4. Regarding the objection that the punishment of reduction contravened Rule 31 of the standing orders of the Madras State Electricity Board, the rule specifically provides that no workman shall be demoted to any post or grade lower than to which he was initially recruited under the board. It is not disputed that the petitioner when he was recruited was a lineman-driver and by this order he has been demoted to a post lower than to which he was initially recruited. This punishment cannot be sustained and has to be set aside.

5. Regarding the contention that the enquiry authority was in error in framing a charge on the basis that the explanation given by the petitioner is false, the contention of the petitioner will have to be upheld. It is necessary to deal with the other charges. But the fact that the explanations given by the petitioner on various charges were not only rejected but were also stated to be false and the petitioner asked to explain why he should not be punished for giving a false statement, would give reasonable apprehension In the mind of the petitioner that his case has been prejudged. In the circumstances, the proceedings cannot be sustained. But the authorities will be at liberty to frame fresh charges against the petitioner and proceed with the enquiry and in the event of the charges being

proved, to award any punishment that is provided in law. The order of reduction is set aside. There will be an order accordingly. No order as to costs.