

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

W.P.NO.11691 of 1999

ORDER

Seeking to declare issuance of proceedings in Memo No.DP/DW7/1165-P1/93-7, dated 6-2-1996, imposing the punishment of reversion from the post of Divisional Engineer, and proceedings in Memo No.CE/DC/DM.V/11 (5-P2) 93/22, dated 5.12.1998 confirming the said punishment as arbitrary and illegal and consequently to direct the respondents to reinstate the petitioner to the post of Divisional Engineer with all consequential benefits.

Petitioner joined in the respondent-Board as Junior Engineer in 1969. Subsequently, he was promoted to the post of Assistant Divisional Engineer, after that Divisional Engineer. While so, on 4-9-1993, 2nd respondent issued a Memo stating that there are certain lapses on the part of the petitioner in discharge of his duties during the period as Assistant Divisional Engineer. On 25.09.1993, he submitted an explanation. Thereafter, vide letter dated 3.11.1993, 2nd respondent addressed a letter to the 1st respondent to take disciplinary action against the petitioner. Pursuant to the same, an Enquiry Officer was appointed and he communicated the charge memo on 16-3-1994 and submitted his report stating that the petitioner was guilty of the charge. Thereafter, 1st respondent issued a show cause notice on 1.2.1995 to the petitioner, who in-turn, submitted his explanation. Subsequently, punishment of reversion to the lower post of Assistant Divisional Engineer was ordered on 6.2.1996. Challenging the same, he filed a W.P.No.9664 of 1996 and the same was disposed of. Against which, he filed an appeal and the same was also rejected. Hence, the present writ petition.

Heard the learned counsel on either side.

A perusal of the record goes to show that the petitioner while working as Assistant Divisional Engineer indulged in willful distortion of Board orders and failed to exercise statutory checks resulting in pilferage of energy by the consumer M/s. Chenimolu Cold Storage Private Limited. Being not satisfied with the explanation submitted by the petitioner and having satisfied with the findings arrived at by the Enquiry Officer, the Board observed that the acts of the delinquent Officer are motivated and intentional with a view to benefit the consumer at the cost of the Board. Further, the metering with 200/10A CTS was provided in a non-standard box putting both the CTS and the meter in the same box and a span of over held line was created in the premises of the consumer to facilitate tapping the energy. Even though 100 KV transformer failed at the same location in the same premises twice in quick succession, no efforts are made by the petitioner. Further, the consumer had been caught for pilferage of energy twice by the DPO wing, the petitioner was totally oblivious of the atrocities being done by the consumer.

The findings arrived at by the authorities clearly go to show that the petitioner failed to discharge the statutory duties. In this view of the matter, I feel that these findings do not require any interference by this Court.

The writ petition is dismissed accordingly.

JUSTICE T.MEENA KUMARI

rkk/kvrk

Dated: 17-06-2010