

To.
The Chairman Cum Managing Director,
TANGEDCO,
Chennai – 600 002.

30-05-2015

Respected Sir,

Sub : TANGEDCO – Certified Standing Orders –(1) for workmen engaged in clerical section 21 (vii)(e) and (2) other than clerical – section 32 (vii)(e) meaning already explained – attempt for reopening – intervention requested.

Ref : 1.Legal Advisor / TNEB.D.O.Letter No. 30375 / LC1/ 95-1 dated 15.5.95

2.CE/Distn/Coimbatore Letter No. 005112/193/Adm.2 (4) /2015-3, dated 27-3-2015

The TNEB Certified Standing Orders –(1) for workmen engaged in clerical section 21 (vii)(e) and (2) other than clerical – section 32 (vii)(e) provides for reasonable opportunity for the delinquent employee to have the Assistance of a co-worker or a union representative in the domestic enquiry.

On a dispute came up hearing the Supreme Court has appalled the lower courts' decision that the word assistance in the Standing Orders includes the cross examination of management witnesses by the representative of the delinquent employee.

Citing a decision of the Supreme Court in A.K.Raj vs Union of India (A.I.R. 1982 SC 710) and a decision of the Madras High Court in Accounts Officer Revenue, TNEB Mettur Dam vs Presiding Officer, Labour Court, Coimbatore and Periyasamy (W.P.No.581 of 83 dated. 19-06-1992 the Legal cell of TNEB has advised the Chief Engineer /Distn/ Madras Region vide D.O.letter dated 15-5-1995 (enclosed)_to allow the representative of the delinquent employee to participate in the enquiry as well as to cross examine the management witnesses and to defend the employee.

However, since no General Orders has been issued it is informed that the Secretary / TNEB has written a reply to the CE/Distn/Coimbatore stating that there is no provision in the Standing Orders for cross examination by the co-worker or a Union representative on behalf of the delinquent employee. This is not correct and is tantamount misinterpretation of Standing Orders inspite of the clear interpretation already given by various courts.

Since the interpretation to the Standing Order No 21 (vii) (e) was already given by the Labour Court and appalled by the Madras High Court in a case relating to TNEB which was mentioned in the legal cell opinion also as early as in the year 1995 we request Respected Chairman, TNEB to issue general instructions in this regard to avoid any further clarifications and misinterpretations by the enquiry Officers and Disciplinary authorities of the Board.

We request an early action in the matter.

Thanking you,

Yours faithfully,

General Secretary

