



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

C O R A M

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THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.22953 of 2016
and
W.M.P. (MD) No.16648 & 16425 of 2016

R.Baskarr .. Petitioner
Vs.

1.The Chairman-cum-Managing Director,
TANGEDCO, No.144, Anna Salai,
Chennai 600 002.

2.The Chief Engineer (Distribution)
Madurai Region, K.Pudur,
Madurai 625 007.

3.The Enquiry Officer-cum-Executive Engineer
(Distribution), Madurai City,
Madurai. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 & 2 to permit the petitioner herein to retire from service as Executive Engineer in the 1st respondent with all monetary and attendant benefits on 30.11.2016.

For petitioner ... Mr.Veera Kathiravan
Senior Counsel for
M/s.Veera Associates
For Respondents ... Mrs.S.Srimathy

O R D E R

This is a writ of Mandamus seeking direction to the respondents 1 & 2 to permit the petitioner herein to retire from service as Executive Engineer in the first respondent with all monetary and attendant benefits on 30.11.2016.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner joined the services as Assistant Engineer in the Tamil Nadu Electricity Board and the petitioner was appointed in the Distribution Wing of the Electricity Board, Madurai and the petitioner completed nearly 29



years of service. During 2002, the petitioner was promoted as Assistant Divisional Engineer. Thereafter, he was promoted as Executive Engineer in the year 2011. He retired from service on 30.11.2016.

3.1. The petitioner was appointed as a Member of Interview Committee to the post of Technical Assistant in the year 2013. The Committee consists of 3 members viz., the petitioner, Superintending Engineer and Executive Engineer. The said committee conducted interview and sent evaluation report to the first respondent and the first respondent issued appointment to the post of Technical Assistant. While so, one Paramasivam, father-in-law of the selected candidate R.Gowthaman gave a complaint that Gowthaman was appointed only after demand and acceptance of illegal gratification. In the pre-departmental investigation, the petitioner stoutly denied the illegal gratification, since the Committee had sent evaluation report and appointment was made by the first respondent. But the first respondent issued charge memo dated 20.07.2016 that the petitioner demanded Rs.8,00,000/- from R.Gowthaman and that the petitioner received Rs.5 lakhs from Gowthaman's father-in-law Paramasivam and Rs.2 lakhs from Gowthaman's monther Vairamani.

3.2. Thereafter, the third respondent was appointed as Enquiry Officer and in the enquiry, the defacto complainant did not appear. The petitioner is at the verge of retirement. Therefore, the third respondent ought to have completed the enquiry. But the respondents are trying to drag on the matter. Hence, this present writ petition has been filed.

3.3. It is contended by the learned counsel for the petitioner that the so called Gowthaman, for whose appointment, the gratification is allegedly given, did not appear for enquiry so far. It is also pointed out that no action has been taken against Gowthaman and all efforts are being taken only to protect Gowthaman. As it is alleged that the petitioner is nearing retirement, it is necessary to complete the enquiry as quickly as possible. As per the decision of Supreme Court in the case of Ajay Kumar Choudhary vs. Union of India, through its Secretary and another, currency of a Suspension Order should not be extended beyond three months, without reasons.

3.4. As per the decision stated supra, the respondents are directed to complete the disciplinary proceedings that are pending against the petitioner within a period of one month from the date of receipt of a copy of this order. The defacto complainant's son-in-law and the mother of the son-in-law must be allowed to be recalled for further cross examination. The respondents are also directed to disburse the eligible terminal benefits to the petitioner, which includes the subsistence allowance.



4.The writ petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

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/True copy/

Sd/-
Assistant Registrar

Sub Assistant Registrar

To

1.The Chairman-cum-Managing Director,
TANGEDCO, No.144, Anna Salai,
Chennai 600 002.

2.The Chief Engineer (Distribution)
Madurai Region, K.Pudur,
Madurai 625 007.

3.The Enquiry Officer-cum-Executive Engineer
(Distribution), Madurai City,
Madurai.

+1cc to MR.S.M.S.Johnny Basha, Advocate SR.No.78783

+1cc to Mr.Veera Associates, Advocate SR.No.79092

raj2

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