

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 06.09.2017**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.29165 of 2015**

**and**

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

D.Thirupathi

... Petitioner

Vs.

1. Tamil Nadu Generation and  
Distribution Corporation,  
Rep. by its Chairman,  
No.144, Annasalai,  
Chennai-600 002.

2. Superintending Engineer,  
Tamil Nadu Generation and  
Distribution Corporation,  
Krishnagiri Electricity Distribution Circle,  
Krishnagiri District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records from the second respondent to quash the notice of the second respondent bearing Ku.A.No.405/Nipil/V3/Ko.Poo.ka.saa/2015, dated 26.08.2015.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.M.Fakkir Mohideen  
for Tamil Nadu Electricity Board

\* \* \* \* \*

**ORDER**

Heard Mr.P.M.Jayachandran, learned counsel appearing for the petitioner and Mr.M.Fakkir Mohideen (Tamil Nadu Electricity Board), learned counsel appearing for the respondents 1 and 2.

2. The show cause notice issued by the second respondent in proceedings dated 26.08.2015, is under challenge in this Writ Petition.

3. On a perusal of the show cause notice impugned in this writ petition, this court is able to find out that the said notice was issued on account of furnishing of fake educational certificate by the writ petitioner for securing appointment in the second respondent board. The second respondent board verified the genuinity of the educational certificate with the authorities of the School Education Department and the competent authorities of the Education Department issued an order stating that the educational certificate produced by the writ petitioner is a fake one. Based on the communication given by the Assistant Elementary Educational Officer, Solaiyarpeta in proceedings dated 27.10.2011, the show cause notice impugned in this writ petition was issued stating that why the writ petitioner should not be dismissed from board's

service.

4. This Court is of the firm opinion that the writ petitioner being a permanent employee of the second respondent's board cannot be dismissed from service without conducting appropriate enquiry under the rules. No employee can be dismissed from service without conducting enquiry, when the allegations are raised against them. The writ petitioner is a permanent employee of the second respondent's board and therefore, the respondents are bound to follow the Departmental Disciplinary Proceedings Rules so as to provide an opportunity to the writ petitioner. A summary proceedings for the dismissal of service on the ground of allegation is impermissible and the summary proceedings for dismissal from service is permissible only under certain circumstances, where the employee was convicted by the Criminal Court, but not otherwise. This being the legal principle the impugned show cause notice issued by stipulating the punishment to be imposed as dismissal from service cannot be sustained.

5. Accordingly, the impugned order passed by the second respondent in proceedings Ku.A.No.405/Nipil/V3/Ko.Poo.ka.saa/2015, dated 26.08.2015 is quashed and the matter is remanded back to the respondents for initiating appropriate Disciplinary

Proceedings against the writ petitioner under the relevant rules and proceed with the Departmental Disciplinary Proceedings and conclude the same as early as possible, without causing any further delay.

6. With these directions the writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed.

**06.09.2017**

msm/ah

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

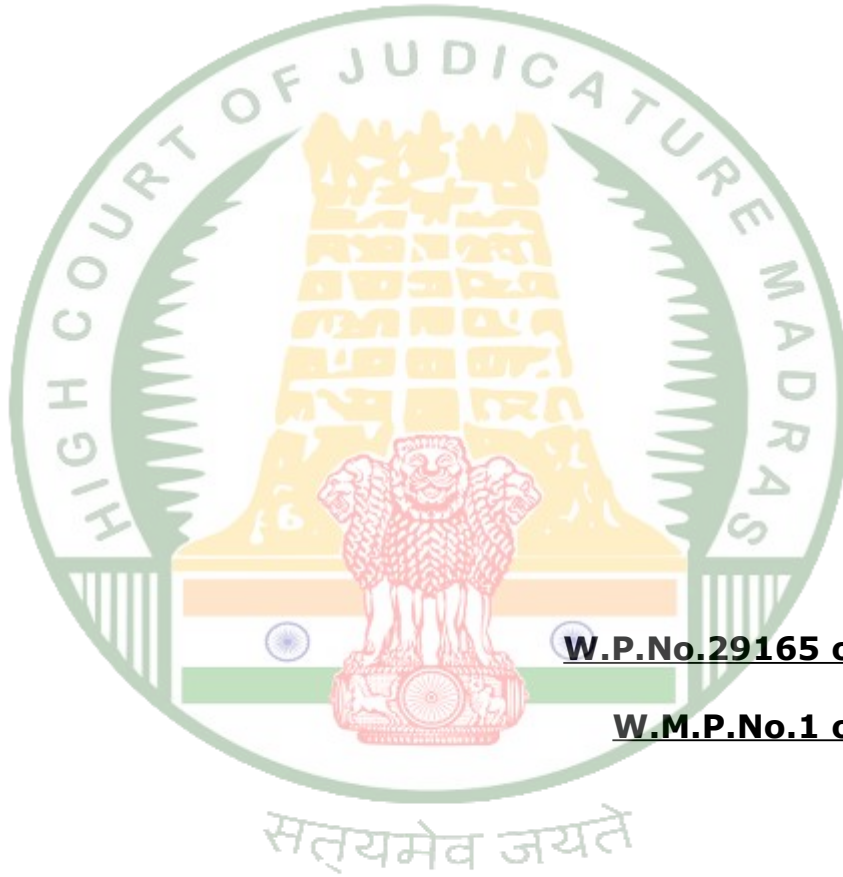
To

1.The Chairman,  
Tamil Nadu Generation and  
Distribution Corporation,  
No.144, Annasalai, Chennai-600 002.

2.Superintending Engineer,  
Tamil Nadu Generation and  
Distribution Corporation,  
Krishnagiri Electricity Distribution Circle,  
Krishnagiri District.

**S.M.SUBRAMANIAM, J.,**

msm



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