

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.29877 of 2004

C.Duraisamy

... Petitioner

Vs

1. The Superintending Engineer,  
Salem Electricity Distribution Circle,  
Tamil Nadu Electricity Board,  
Salem-14.

2. The Assistant Executive Engineer,  
Operation & Maintenance,  
Tamil Nadu Electricity Board,  
Vembadithalam, Salem District.

... Respondents

Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Charge Memo in Ku.No.Me.Po./Se.Me.Pa.Va./Ni.Pi.5/Vu.tha.1/O.Na.3236/04 dated 19.06.2004 and the subsequent final show cause notice made in Ku.A.No.Me.Po./Se.Me.Pa.Va./Ni.Pi.5/Vu.1/O.Na.3236/04 No.829/04 dated 24.09.2004 both on the file of the 1<sup>st</sup> respondent, quash the same and direct the 1<sup>st</sup> respondent to conduct fresh enquiry.

For petitioner : Mr.V.Elangovan

For respondents : Mr.S.K.Rameshwar

O R D E R

Challenging the Charge Memo dated 19.06.2004 and the subsequent Final Show Cause Notice dated 24.09.2004 of the 1<sup>st</sup> respondent, the present Writ Petition has been filed.

2. The case of the petitioner is that he was working as a Revenue Supervisor at Veerahanur Operation & Maintenance Section. While so, on 19.06.2004, he was placed under suspension on the ground that he has misappropriated the Board's money collected from agricultural consumers. Accordingly, a Charge Memo was issued on the same day. Thereafter, an Enquiry Officer was appointed, who after conducting an enquiry, submitted his Enquiry Report on 21.08.2004 and on the basis of

the Enquiry Report, a Final Show Cause Notice was issued on 24.09.2004 calling upon the petitioner to submit his explanation as to why he should not be removed from service. Challenging the same, the petitioner is before this Court with this Writ Petition.

3. Heard both sides and I have also perused the materials available on record carefully.

4. It is the well-settled law that writ petition will not lie against a show cause notice unless the authority who issued the same has not vested with the jurisdiction or incompetent and mala fide. But the petitioner has not raised any of the above grounds in the writ petition. Hence, I am not inclined to interfere with the Show Cause Notice issued by the 1<sup>st</sup> respondent.

5. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to approach the concerned authority by submitting his explanation and thereafter, the authority shall pass orders within a period of six months of submitting the explanation by the petitioner, after affording an opportunity of hearing to the petitioner. No costs.

s/d-  
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Superintending Engineer,  
Salem Electricity Distribution Circle,  
Tamil Nadu Electricity Board,  
Salem-14.
2. The Assistant Executive Engineer,  
Operation & Maintenance,  
Tamil Nadu Electricity Board,  
Vembadithalam, Salem District.

+1 CC to Mr.S. Doraisamy, Advocate sr 67266.

W.P.No.29877/2004

SP(23/11/2017)