

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAN

W.P.No.13499 of 2018
and
WMP.No.15895 of 2018

K.Veeramani

... Petitioner

Versus

1.The Government of Tamil Nadu,
Rep. by the Chief Electrical Inspector,
Office of the Electrical Inspectorate,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

2.Senior Electrical Inspector,
Corporation Commercial Complex,
Dr.Nanjappa Road, Coimbatore Central,
Coimbatore - 641 018.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the proceeding bearing கு.ஆ.எண்;21614/3/12, dated 22.05.2018 issued by the Chief Electrical Inspector, Chennai, the first respondent and quash the same with all consequential benefits.

For Petitioner : Mr.V.Suthakar

For Respondent R1&R2 : Mrs.P.Rajalakshmi
Addl.Government Pleader

ORDER

The charge memo dated 22.05.2018 issued by the Chief Electrical Inspector, Chennai / first respondent is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was working as Electrical Inspector in the Electrical Department, Government of Tamil Nadu at Sulur, Coimbatore District and attained the age of

superannuation on 30.06.2017. The writ petitioner was not allowed to retire from service on the ground that enquiry into a criminal case is pending against him. The writ petitioner was placed under suspension on account of the pending criminal case registered by the Vigilance and Anti-Corruption Department against the writ petitioner vide G.O.(Rt) No.120 Energy (D2) Department dated 30.06.2017.

3. The learned counsel for the writ petitioner mainly relied on the ground that there is a delay on the part of the Disciplinary Authority to initiate the proceeding against the writ petitioner. The charge memo itself is issued in proceeding dated 22.05.2018 during the pendency of the criminal case and therefore, in the event of concluding the disciplinary proceedings, the right of the writ petitioner would be prejudiced. Contrarily, disciplinary proceedings can be continued after the disposal of the criminal case now in progress. Pursuant to the orders passed by this Court in Crl.OP.No.20081 of 2017 dated 22.09.2017, a charge sheet has already been filed by the Police and the trial is yet to be concluded.

4. Under these circumstances, the departmental proceedings are to be kept in abeyance, till the final disposal of the criminal case. In the event of simultaneous proceedings, the right of defense to the writ petitioner would be affected and therefore, the writ petition is to be allowed.

5. At the outset, the learned counsel for the writ petitioner states that based on the facts and circumstances of the present case, the departmental disciplinary proceedings are to be kept in abeyance till the disposal of the criminal case now pending against the writ petitioner. The criminal case against the writ petitioner is registered under the provisions of the Prevention of Corruption Act in Cr.No.5/2013/AC/CB. The criminal case was registered on the ground that the writ petitioner was in possession of disproportionate asset.

6. The learned counsel for the writ petitioner cited the judgement of the Hon'ble Supreme Court of India in the case of Stanzen Toyotetsu India Private Limited Vs. Girish & Others reported in (2014) 3 SCC 636, wherein paragraph No. 16 of the judgement it is observed by the Apex Court that, the court, therefore, has to draw a balance between the need for a fair trial to the accused on the one hand and the competing demand for an expeditious conclusion of the ongoing disciplinary proceedings on the other. An early conclusion of the disciplinary proceedings has itself been seen by this Court to be in the interest of the employees.

7. Undoubtedly, the principles now cited by the learned counsel for the writ petitioner had already been reiterated and emphasised by the Hon'ble Supreme Court of India in many number of judgements. A striking balance between the need for a fair trial to the accused is of paramount importance. The Courts have to draw a balance between these two aspects. This apart, a pragmatic approach in these kind of matters are also eminent as far as the principles of simultaneous proceedings are concerned.

8. Even the learned counsel for the writ petitioner is admitting the proposition that simultaneous proceedings are not absolutely barred. The learned counsel is fair enough to submit that simultaneous proceedings are permissible in certain circumstances and the present facts and circumstances deserves that the disciplinary proceedings initiated against the writ petitioner is to be kept in abeyance.

9. The fact in the present case remains that, the allegations are in relation to disproportionate wealth possessed by the writ petitioner. Thus, all the documents collected by the department are the source for establishing the allegations set out against the writ petitioner in the impugned charge memo.

10. The learned Additional Government Pleader also states that the disciplinary proceedings are initiated by issuing a charge memo based on the recommendations of the department of Vigilance and Anti-Corruption. The investigating officials also thought it fit to continue the disciplinary proceedings. In view of the fact that, the charges against the writ petitioner was possession of disproportionate assets and for establishing the charges by the department, the documents collected are sufficient and to proceed with the disciplinary proceedings, the question of relying on the deposition of witnesses if any to be received from the criminal Court of law does not arise at all.

11. When the entire charges of disproportionate assets are rest upon the documents collected by the investigating officials as well as by the department, this Court is of the considered opinion that, the Disciplinary Authority can independently proceed with the disciplinary proceedings by conducting an enquiry and by affording opportunity to the writ petitioner to defend his case in the manner known to law. The only aspect considered by this Court is that whether the nature of the charges and the allegations can be proceeded with by the Disciplinary Authority with the available records in the department.

12. The charges against the writ petitioner as per the impugned charge memo are extracted hereunder:-

"குற்றச்சாட்டு - I

திரு.க.வீரமணி ஆகியநீங்கள்தகுதியுள்ள அலுவலரின் முன்
அனுமதிபெறாமலும், உரியஅறிவிப்புசெய்யாமலும் 28.2.1991
அன்றுகோயமுத்தாரர் குமாரபாளையம் கிராமத்தில் எஸ்.எப்.எண் 448 பகுதி,
449/1 பகுதி, 530/1 மற்றும் 620/2 கொண்ட 1அ2 முதல் 1அ6 வரை-ல்
2610 சதுரஅடிகாலை வீட்டு மனையினை ரூ.52,500/க்கு
தங்களதுமனைவிதிருமதி.வீ.கலைச்செல்விபெயரில்வாங்கி கோயமுத்தாரர்
சார்பதிவாளர் அலுவலகத்தில் ரூ.7,035/-
செலவுசெய்துபதிவுசெய்துஅரசுபணிக்குஒவ்வாதசெயலில்ஈடுபட்டுள்ளார்.

குற்றச்சாட்டு -2

தாங்கள்தகுதியுள்ள அலுவலரின் முன்
அனுமதிபெறாமலும்,உரியஅறிவிப்புசெய்யாமலும்
21.12.1994அன்றுகோயமுத்தாரர் குமாரபாளையம் கிராமத்தில் எஸ்.
எப்.எண் 449/1 பகுதி, 530/1 மற்றும் 620/2 கொண்ட 1அ2 முதல் 1அ6
வரை-ல் 2328 சதுரஅடிகாலை வீட்டு மனையினை ரூ.81,000/க்கு
தங்களதுமனைவிதிருமதி.வீ.கலைச்செல்விபெயரில்வாங்கி கோயமுத்தாரர்
சார்பதிவாளர் அலுவலகத்தில் ரூ.11,445/-
செலவுசெய்துபதிவுசெய்துஅரசுபணிக்குஒவ்வாதசெயலில்ஈடுபட்டுள்ளார்.

குற்றச்சாட்டு -3

தாங்கள்தகுதியுள்ள அலுவலரின் முன் அனுமதிபெறாமலும்,
உரியஅறிவிப்புசெய்யாமலும் 26.8.2009 அன்றுகோயமுத்தாரர் கணபதி
கிராமத்தில்சர்வேஎண்கள் 27/1 பகுதிமற்றும் 27/2
கொண்ட 1938சதுரஅடிகாலை வீட்டு மனையினை ரூ.4,50,000/க்கு
தங்களதுமனைவிதிருமதி.வீ.கலைச்செல்விபெயரில்வாங்கி கோயமுத்தாரர்
சார்பதிவாளர் அலுவலகத்தில் ரூ.72,215/-
செலவுசெய்துபதிவுசெய்துஅரசுபணிக்குஒவ்வாதசெயலில்ஈடுபட்டுள்ளார்.

குற்றச்சாட்டு -4

தாங்கள்தகுதியுள்ள அலுவலரின் முன்
அனுமதிபெறாமலும்,உரியஅறிவிப்புசெய்யாமலும்
11.3.2010அன்றுகோயமுத்தாரர் கணபதி கிராமத்தில் எஸ்.எப்.எண்
27/பகுதி, 2083சதுரஅடி வீட்டு மனையில் 1750 சதுரஅடியில்புதிதாகக்
கட்டப்பட்ட ஆர்சிசி வீட்டினை ரூ.18,25,000/க்கு
தங்களதுமனைவிதிருமதி.வீ.கலைச்செல்விபெயரில்வாங்கி கோயமுத்தாரர்
சார்பதிவாளர் அலுவலகத்தில் ரூ.1,64,410/-
செலவுசெய்துபதிவுசெய்துஅரசுபணிக்குஒவ்வாதசெயலில்ஈடுபட்டுள்ளார்.

குற்றச்சாட்டு -5

தாங்கள்தகுதியுள்ள அலுவலரின் முன் அனுமதிபெறாமலும்,
உரியஅறிவிப்புசெய்யாமலும் 15.7.2010அன்றுகோயமுத்தாரர்
கணபதிகிராமத்தில் எஸ்.எப்.எண் 27/2பகுதி, 1938சதுரஅடிகாலை வீட்டு
மனையினை ரூ.8,00,000/க்கு தங்களதுமனைவிதிருமதி.வீ.கலைச்
செல்விபெயரில்வாங்கி கோயமுத்தாரர் சார்பதிவாளர் அலுவலகத்தில் ரூ.
72,215/-
செலவுசெய்துபதிவுசெய்துஅரசுபணிக்குஒவ்வாதசெயலில்ஈடுபட்டுள்ளார்.

குற்றச்சாட்டு -6

தாங்கள்தகுதியுள்ள அலுவலரின் முன் அனுமதிபெறாமலும், உரிய அறிவிப்பு செய்யாமலும் மாருதி ஸ்விப்ட் டிசையர் வகைச் சூத்திரனைப் பாரத ஸ்டேட் வாங்கி ஆர் ஏசிபி கிளை கோயம்புத்தூரில் இருந்ததுபெற்றகார் கடன் தொகை ரூ.3,86,000/- சேர்த்து ரூ.5,85,600/-க்கு வாங்கி கோயமுத்தூர் வடக்குவட்டாரபோக்குவரத்து அலுவலகத்தில் 24.03.2010 அன்றுபதிவு எண் TN 38 BA 7659 ஆக பதிவுசெய்துவாகனவரியாக (Life Tax) ரூ. 46,850/- முன் பதிவுகட்டணமாக ரூ.8000/- காப்பீட்டுகட்டணமாக ரூ. 11,500/- மற்றும் பதிவுதொகையாக ரூ.200/- செலுத்தியுள்ளார். இந்தசெயல் மூலம் தாங்கள் அரசுபணிக்கு ஒவ்வாதசெயலில் ஈடுபட்டுள்ளனர்."

13. All the charges are framed based on the list of documents denoted in Annexure - 4 to the charge memo. Annexure - 3 provides the list of witnesses to be examined in connection with the allegations set out in the charge memo. Annexure - 2 provides the statement of allegations and imputations of misconduct. This being the facts, the charge memo is unambiguous and capable of proceeding with in accordance with the procedures and Rules in force. When the allegations against the writ petitioner is in connection with the disproportionate assets and the facts are collected by the Authorities as well as by the investigating officials of the Vigilance and Anti-Corruption department, those documents are sufficient to proceed with the departmental disciplinary proceedings.

14. Undoubtedly, in the present case, the department had waited for some time and only after the report of the investigating officials that the disciplinary proceedings continued, thereafter, impugned charge memo was issued against the writ petitioner. Under these circumstances, the very observations made by the Hon'ble Supreme Court of India in the case of Stanzen Toyotetsu India Private Limited Vs. Girish & Others may not be of any avail to the writ petitioner, as the facts and circumstances in that case is absolutely not akin to that of the facts and circumstances of the present case on hand.

15. In respect of the simultaneous proceedings, the legal principles are now well settled and this Court also considered the other judgements of the Hon'ble Supreme Court of India and those judgements and principles are narrated hereunder.

16. This Court is of an opinion that, simultaneous proceedings are certainly permissible and only in certain circumstances, the Competent Authorities have to take a decision whether to continue the departmental disciplinary proceedings during the pendency of the criminal case against an employee or not. If the files, documents and witnesses are available with the disciplinary authority, there is no impediment to continue the departmental disciplinary proceedings, conclude the same and

pass final orders in the disciplinary proceedings. If no files are available with the disciplinary authority as well as in the department, then the Competent Authorities is empowered to keep the departmental disciplinary proceedings in abeyance till the final disposal of the criminal case by the Competent Criminal Court of Law. Thus mere pendency of criminal case is not a bar for continuance of departmental disciplinary proceedings.

17. To convict a person under criminal law, high standard of proof is required. Even the benefit of doubt would be a benefit for the accused in a criminal case. However, no such strict proof is required in a departmental disciplinary proceedings. Preponderance of probabilities are enough to punish an employee under the Discipline and Appeal Rules. Even a moral turpitude is sufficient to punish an employee under the conduct Rules. This being the distinct procedure in respect of the departmental disciplinary proceedings as well as criminal proceedings, this Court is of an opinion that, there is no bar for the disciplinary authorities to continue the departmental disciplinary proceedings, conclude the same and pass final orders without causing any undue delay.

18. The trend of the delinquent Officers is that if it is not advantages to them, then they will file a writ petition to keep the disciplinary proceedings in abeyance till the pendency of the criminal case, as they are very much aware that disposal of the criminal case would take long years. If it is favour to them, then also they file writ petition stating that the departmental disciplinary proceedings must be concluded at the earliest point of time. Writ petitions are filed even to quash the charge memo on the ground of delay. Thus, the delinquent Officers to suit their conveniences changing the grounds and filing a writ petition in order to frustrate the departmental disciplinary proceedings. Such an attitude of the employees can never be encouraged nor be appreciated, but to be deprecated.

19. The employees who all are involved in such allegations are bound to establish their innocence or otherwise by participating in the departmental disciplinary proceedings as well as by facing the trial. Contrarily, they are adopting a tactics to protract and prolong the issues, in order to frustrate the proceeding one way or other and finally take an attempt to escape from the clutches of law. This being the practice which is noticed by the Constitutional Courts frequently, the Courts are of the opinion that all such proceedings initiated ought to be continued simultaneously and the decision is to be taken based on the records available and by examining the witnesses by affording opportunity to the delinquent official.

20. The allegations against the writ petitioner in the present case is possession of disproportionate asset. Possession of disproportionate asset is a social evil and spreading like a cancer in our great Nation. The public servants involved in possession of disproportionate assets ought to be dealt with iron hand and iron heart. There cannot be any leniency or otherwise in respect of dealing with the disproportionate asset cases. Both the criminal court of law as well as the departmental disciplinary proceedings are bound to be vigilant and strict in dealing with all such cases.

21. The Competent Authorities are bound to initiate serious steps in controlling such illegal activities by surprise inspections and the vigilance officers of the Board would also conduct surprise inspection, gather materials and prosecute all those delinquent officials who all are in service for long years and tarnishing the image of the Government as well as causing disrepute to the institution itself.

22. Government servants play a significant role in running the administration of our great Nation. They are important constituents of the administrative setup of the Nation. They are pillars of the Government Departments on whose shoulders the responsibility to implement the Government policies lies. They provide public services to the citizens at the grass root level and in the same way, they forward grievances of the public, their representations and demands to the higher for their effective resolution. The Government employees have different work culture and responsibilities as compared to the counterparts in private sector. They are smartly played and they have some kind of perquisites given to them, but at the same time, they have heavy responsibilities to the Government in particular and public in general.

23. However, when the Government servants deviate from the established Rule of Conduct, departmental disciplinary proceedings would be initiated. It is the need of the hour to analyze whether conducting departmental disciplinary proceedings and criminal proceedings would amount to double jeopardy or such simultaneous proceedings are to be continued simultaneously. The Departmental Authorities are free to exercise such lawful powers as confirmed by them by the departmental proceeding Rules and Regulations.

24. In the case of Sri Bhagwan Ram v. The State of Jharkand, State of Bihar and others(2017), it is well-settled that a domestic enquiry and a criminal trial can proceed simultaneously and the decision in the criminal case would not materially affect the outcome of the domestic enquiry. The nature of both the proceedings and the test applied to reach a final conclusion in the matter, are entirely different.

25. In the case of Dr.Bharathi Pandey-Deputy General Manager V. Union of India[Special Civil Application No.15602 of 2013], the Apex Court held that it is clear that the departmental inquiry proceedings in every case need not be stayed till the criminal proceedings against the petitioner are concluded. It may be done in case of grave nature involving complicated questions of facts and law. The advisability and desirability has to be determined considering facts of each case.

26. In the case of Ajith Kumar Das v. Union of India and Others[W.P.(C) NO.4036 of 2017], the Court held that the departmental enquiry is to maintain discipline in service and efficiency of public service. It would, therefore, be expedient that the disciplinary proceedings are conducted and completed as expeditiously as possible. It is not, therefore, desirable to lay down any guideline as inflexible rules in which the departmental proceeding may or may not be stayed pending trial in criminal case against the delinquent officer. There would be no bar to proceed simultaneously with the departmental proceeding and trial of a criminal case unless the charge in a criminal trial is of grave nature involving complicated questions of fact and law. Offence generally implies infringement of public as distinguished from mere private right punishable under criminal law, when trial for criminal offence is conducted it should be in accordance with the proof of offence as per the evidence defined under the provisions of the Evidence Act. Converse in the case of departmental enquiry in a departmental proceeding relates to conduct of breach of duty of the delinquent officer who punish him for his misconduct defined under the relevant statute/rule or law that strict standard of rule or applicability of Evidence Act stands excluded in a settled legal position.

27. In the case of Avinash Sadashiv Bhosale v. Union of India[(2012) 13 SCC 142], the Court held that there is no legal bar for both proceedings to go on simultaneously. The only valid ground for claiming that the disciplinary proceedings may be stayed would be to ensure that the defence of the employee in the criminal case may not be prejudiced but even such grounds would be available only in cases involving complex question of fact and law. Such defence ought not to be permitted to unnecessarily delay the departmental proceedings. The interest of the delinquent officer as well as the employer clearly lies in a prompt conclusion of the disciplinary proceedings.

28. The Supreme Court in the case of Karnataka State Road Transport Corporation v. M.G.Vittal Rao[(2012) 1 SCC 442] gave a timely reminder of the principles that are applicable in such situations succinctly summed up in the following words:

(i) There is no legal bar for both proceedings to go on simultaneously.

(ii) The only valid ground for claiming that the disciplinary proceedings may be stayed would be to ensure that the defence of the employee in the criminal case may not be prejudiced. But even such grounds would be available only in cases involving complex questions of facts and law.

(iii) Such defence ought not to be permitted to unnecessarily delay the departmental proceedings. The interest of the delinquent officer as well as the employer clearly lies in a prompt conclusion of the disciplinary proceedings.

(iv) Departmental Proceedings can go on simultaneously to the criminal trial, except where both the proceedings are based on the same set of facts and the evidence in both the proceedings is common.

29. In the case of NOIDA Entrepreneur Association v. NOIDA and the others [JT 2001 (2) SC 620], the Court held that the standard of proof and nature of evidence in the departmental inquiry is not the same as in criminal case. The purpose of departmental enquiry and of prosecution is two different and distinct aspects. The criminal prosecution is launched for an offence for violation of a duty the offender owes to the society, or for breach of which law has provided that the offender shall make satisfaction to the public. So crime is an act of commission in violation of law or of omission of public duty. The departmental enquiry is to maintain discipline in the service and efficiency of public service. It would, therefore, be expedient that the disciplinary proceedings are conducted and completed as expeditiously as possible. It is not, therefore, desirable to lay down any guidelines as inflexible rules in which the departmental proceedings may or may not be stayed pending trial in criminal case against the delinquent officer. Each case requires to be considered in the backdrop of its own facts and circumstances. There would be no bar to proceed simultaneously with departmental enquiry and trial of a criminal case unless the charge in the criminal trial is of grave nature involving complicated questions of fact and law.

30. In the case of State Bank of India & Ors. Versus R.B.Sharma, [AIR 2004 SC 4144], the Hon'ble Supreme Court reiterated observing that both proceedings can be held simultaneously. It held, the purpose of departmental inquiry and of prosecution is to put a distinct aspect. Criminal prosecution is launched for an offence for violation of duty. The offender owes to the society, or for breach of which law has provided that the offender shall make satisfaction to the public. So crime is an act of commission in violation of law or of omission of a public duty. The departmental inquiry is to maintain discipline in the service and efficiency of public

service.

31. In the case of Ajith Kumar Nag v. General Manager(PJ), Indian Oil Corporation Ltd., Haldia[2005-7-SCC-764], the Honourable Apex Court considered the issue of validity of conducting departmental proceeding when the criminal case was pending against the official and held as follows:

Acquittal by a criminal court would not debar an employer from exercising power in accordance with Rules and Regulations in force. The two proceedings, criminal and departmental, are entirely different. They operate in different fields and have different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with service Rules. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused 'beyond reasonable doubt', he cannot be convicted by a court of law. In departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of 'preponderance of probability'.

32. In the case of West Bokaro Colliery(Tisco Ltd.) v. Ram Parvesh Singh(2008) 3 SCC 729, the Hon'ble Supreme Court has held that since standard of proof required in criminal case are beyond reasonable doubt and what is required in departmental inquiry is only of finding the guilt on the basis of preponderance of probability, there is no bar in continuing both simultaneously.

33. In the case of S.A.Venkatraman v. Union of India, AIR 1954, SC 375 it has been held by the Supreme Court that taking recourse to both, does not amount to double jeopardy.

1. In Stanzen Toyotetsu India Private Limited v. Girish V. And Other (2014) 3 SCC 636, it was held that suffice it to say that while there is no legal bar to the holding of the disciplinary proceedings and the criminal trial simultaneously, stay of disciplinary proceedings may be advisable course in cases where the criminal charge against the employee is grave and continuance of the disciplinary proceedings is likely to plagiarize their defence before the criminal court.

2. The Supreme Court in State of Rajasthan v. B.K.Meena and Others (1996) 6 SCC 417 held that, In certain situations, it may not be 'desirable', 'advisable', or 'appropriate' to proceed with the disciplinary enquiry when a criminal case is pending on identical charges. Therefore, stay of disciplinary proceedings cannot be, and should not be, a matter of recourse.

3. It is also to note that acquittal in criminal proceedings on the same set of charges, per se, does not entitle

the delinquent to claim immunity from disciplinary proceedings, as observed by the Supreme Court in the case of C.M.D.U.C.O. vs. P.C.Kakkar, AIR 2003 SC 1571. In the same way, departmental proceedings may be continued even after retirement of the employee. (U.P.S.S.Corp.Ltd. vs. K.S.Tandon, AIR 2008 SC 1235)

34. Considering the above judgments, this Court is of the firm opinion that the procedure for taking disciplinary action against a Government servant is lengthy and detailed one, giving maximum opportunity to the government servant to prove his innocence. A Government employee is expected to perform his duties with utmost diligence, efficiency, economy and effectiveness. The Government procedures are lengthy in order to ensure that the Government employees perform their responsibilities without any pressure or exterior considerations. However, at the same time, it ensures discipline amongst the employees and shows the door to the employees who have become dead wood and do not perform as per expectations of public in general and his department in particular. Disciplinary proceeding are conducted to ensure that the morale of the employees as a whole is boosted. It ought to be noted that criminal proceedings will last for years and this can lead to loss of evidences and thereby staying departmental disciplinary proceedings from being conducted simultaneously would lead to gross miscarriage of justice. Also, it is pertinent to note the fact that the object of such departmental proceedings is not to penalise but to assist in restoring the morale of Government servants. Thus, it is of utmost importance that the Court has to strike a balance between the need for a fair trial to the accused on one hand and the competing demand for an expeditious conclusion of the ongoing disciplinary proceedings on the other hand which will not have any adverse impact if is conducted simultaneously.

35. In view of the fact that the present writ petition is in relation to the allegations of corruption against the writ petitioner, this Court is of an opinion that the writ petitioner has to face both the departmental disciplinary proceedings as well as the criminal trial. The departmental disciplinary proceedings has already been initiated by the Competent Authorities and the very enquiry notice issued to the writ petitioner itself is under challenge in the present writ petition.

36. Thus, the respondents are at liberty to proceed with the departmental disciplinary proceedings by affording an opportunity to the delinquent official in the manner prescribed and conclude the same and pass final orders in the departmental disciplinary proceedings as expeditiously as possible and without causing any undue delay. The writ petitioner is directed

to co-operate for the conclusion of the enquiry proceeding in all respects and in the event of non-co-operation on the part of the writ petitioner, the same shall be recorded by the Enquiry Officer as well as by the Disciplinary Authority.

37. In view of the discussions made in the afore mentioned paragraphs, the writ petitioner has not made out any acceptable legal ground for the purpose of considering the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

Pkn

To

- 1.The Chief Electrical Inspector,
Government of Tamil Nadu,
Office of the Electrical Inspectorate,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.
- 2.Senior Electrical Inspector,
Corporation Commercial Complex,
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+1cc to Mr.V.Suthakar, Advocate, S.R.No. 15492
+1cc to the Government Pleader, S.R.No. 16046

W.P.No.13499 of 2018

VSN II(CO)
GN(27/03/2019)

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