



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **23.10.2019**
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1059 of 2019
and
C.M.P. (MD)No.9664 of 2019

A.Murugesan ... Appellant /Writ Petitioner
Vs.

The Superintending Engineer,
O/o the Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd., (TANGEDCO),
Tirunelveli Electricity Distribution Circle,
Tirunelveli District.

... Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to allow the writ appeal and set-aside the order passed in W.P. (MD)No.18147 of 2019 dated 16.09.2019 on the file of this Court.

Prayer in WP(MD). 18147/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari to Call for the records pertaining to the impugned Charge Memo in Ku.No.005208/154/Ni.A/NiPi-IV/U.1/Ko.O.Na/19 dt.1.7.2019 on the file of the respondent and quash the same as illegal and arbitrary.

For Appellant : Mr.I.Pinaygash
For Respondent : Mr.G.Kasinathadurai

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.I.Pinaygash, learned counsel for the appellant, Mr.G.Kasinathadurai, learned counsel for the respondent. By consent on either side, this writ appeal is taken up for final disposal.

2. The appellant challenges the charge memo, dated 01.07.2019 by filing writ petition and the same was dismissed by the impugned order. The petitioner's case is that the relevant documents have not been annexed along with the charge memo and copies of the



statements of the witnesses, which are sought to be relied on and copies of the documents relied on in respect of the charges have not been supplied.

3. As rightly pointed out by the learned counsel for the respondent that there are four annexures to the charge memo and in Annexure 3, 7 documents have been referred, which are registers and reports and in annexure 4, names of four witnesses (wrongly shows as 5) have been cited. The appellant's case is that he requires copies of the register, reports and statements of the witnesses, to which the respondent board proposed to rely on. If that is the case, then, the appellant should reply to the charge memo.

4. In the course of domestic enquiry, he should ask the enquiry officer to provide those documents. Without resorting to such procedure, the appellant is not justified in filing the writ petition. Therefore, we are in entire agreement with the view expressed by the learned single Judge in dismissing the writ petition.

5. Thus for the above reason, we find that there are no ground to interfere with the orders passed in the writ petition. Accordingly, this writ appeal is dismissed. The appellant is directed to submit his explanation to the charge memo within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondent shall appoint an Enquiry Officer and domestic enquiry shall be conducted in accordance with law. The appellant is given liberty to submit representation to the Enquiry Officer requesting for documents statements etc., and the same shall be considered in accordance with the settled legal principles and the enquiry shall be proceeded after affording an opportunity to the appellant to defend himself. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

The Superintending Engineer,
O/o the Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd., (TANGEDCO),
Tirunelveli Electricity Distribution Circle,
Tirunelveli District.



+1 CC to Mr.I.PINAYGASH, Advocate (SR-94000[F] dated 23/10/2019)
+1 CC to Mr.G.KASINATHADURAI, Advocate (SR-94462[F] dated
25/10/2019)

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ORDER MADE IN
W.A. (MD) No.1059 of 2019
23.10.2019

TA

MK (11.11.2019) 3P 4C