

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.Nos.3813 & 3816 of 2020
and
W.M.P.Nos.4520 & 4522 of 2020

K. Jayalakshmi ... Petitioners
in both W.Ps

Vs.

1. Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Nagapattinam Electricity Distribution Circle,
Nagapattinam.
 2. Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Operation and Maintenance,
Mayiladuthurai,
Nagapattinam District.
 3. Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Operation and Maintenance,
Nagai Electricity Distribution Circle,
Mayiladuthurai,
Nagapattinam District.
- ... Respondents
in both W.Ps

Prayer in W.P.No.3813/2020: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorarified mandamus, calling for the records pertaining to the proceedings of the third respondent in Memo No: AEE/O&M/TOWN/MYLDI/F-DOC/D.No.431/2020 dated 21.01.2020 suspending the petitioner from service and quash the same and consequently direct the respondents to re-instate the petitioner in the post of Assessor O/o JE/O&M/Nidur.

Prayer in W.P.No.3816/2020: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorari, calling for the records of the proceedings of the third respondent in No.Ku.Aa.No.U.Che.Po/E&Tha/Nagar/Mayilai/No.362 / 2019 dated 16.11.2019.

For Petitioner : Mr. V. Stalin

For Respondents: Mr. Karthik Rajan
Senior Standing Counsel

C O M M O N O R D E R

By consent given by both sides, the main writ petitions are taken up for final hearing. Since the issue involved in both the writ petitions are common, it is taken up together for final disposal.

2. The case of the petitioner is that the petitioner joined in the respondent Corporation in the year 2013 when she was given compassionate appointment. A charge memo came to be issued against the petitioner on 16.11.2019, by the third respondent and three charges were framed against the petitioner. The petitioner has also given a explanation for the charge memo on 30.11.2019. According to the petitioner, a conversion order was passed wherein, the petitioner who was working as a Assessor was converted to the post of Junior Assistant (Accounts) by proceedings dated 07.11.2019. Even before this order came into force, the petitioner was placed under suspension by the orders issued by the third respondent in his proceedings dated 21.01.2020. Two writ petitions have been filed, one challenging the charge memo and other challenging the suspension order.

3. The learned counsel for the petitioner submitted that the petitioner has already given her explanation for the charge memo and without taking the explanation into consideration, third respondent has placed the petitioner under suspension. The learned counsel further submitted that already a conversion order was passed on 07.11.2019 and the petitioner was directed to be posted as Junior Assistant (Accounts) at Sirkali. This order can be given effect to and the petitioner will co-operate for the earlier completion of the disciplinary proceedings.

4. Per contra learned counsel appearing on behalf of TANGEDCO submitted that there are certain serious charges made against the petitioner and the charge memo has already been issued to the petitioner in this regard. The learned counsel further submitted that taking into consideration the seriousness

of the charges, the petitioner has also been placed under suspension by proceedings dated 21.01.2020. The learned counsel further submitted that there are absolutely no grounds to either interfere with the charge memo or with the order of suspension. The learned counsel further submitted that some reasonable time can be fixed by this Court for the completion of the disciplinary proceedings against the petitioner.

5. This Court has carefully considered the submissions made on either side and perused the materials available on record.

6. It is seen from the records that the petitioner has already given her explanation for the charge memo on 30.11.2019. What remains is only the enquiry to be conducted and final orders to be passed in the disciplinary proceedings. In the meantime, the petitioner has been placed under suspension by the proceedings of the third respondent considering the nature of charges that have been made against the petitioner. The jurisdiction of this Court to interfere with the order of suspension is very limited. This Court does not find any ground to either interfere with the charge memo or with the order of suspension. This Court deems it fit to direct the third respondent to complete the disciplinary proceedings within a stipulated time and also consider the representation made by the petitioner and take a decision as to whether the suspension can be revoked.

7. In view of the above discussion, the writ petitions are disposed of with the direction to the third respondent to complete the disciplinary proceedings within a period of four months from the date of receipt of a copy of this order. It goes without saying that the petitioner will be given sufficient opportunity to defend herself in the disciplinary proceedings. It is also open to the third respondent to consider the representation made by the petitioner seeking for revocation of the suspension. The petitioner can make a fresh representation in this regard. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Nagapattinam Electricity Distribution Circle,
Nagapattinam.
- 2.The Executive Engineer,
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(TANGEDCO),
Operation and Maintenance,
Mayiladuthurai,
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- 3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Operation and Maintenance,
Nagai Electricity Distribution Circle,
Mayiladuthurai,
Nagapattinam District.

+1cc to Mr.Karthik Rajan, Advocate Sr.12846

+2cc to Mr.V.Stalin, Advocate Sr.12971, 12972

W.P.Nos.3813 & 3816 of 2020

and

W.M.P.Nos.4520 & 4522 of 2020'

br[co]
srg 21/02/2020

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