

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.4654 of 2020

and

WMP Nos.5514, 5517 and 5518 of 2020

K.B. Kirubakar ... Petitioner

-vs-

1. The Chairman cum Managing Director
Tamil Nadu Generation and Distribution Corporation Ltd.
No.144, Anna Salai
Chennai 600 002.

2. The Secretary
Tamil Nadu Generation and Distribution Corporation Ltd.
No.144, Anna Salai
Chennai 600 002.

3. The Chief Internal Audit Officer (Additional Charge)
Tamil Nadu Generation and Distribution Corporation Ltd.
No.144, Anna Salai
Chennai 600 002.

4. The Inquiry Officer
Deputy Chief Internal Audit Officer
182, Dr. Subbarayan Road
Tatabad, Coimbatore 641 012 ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus calling for the records relating to the impugned order passed by the third respondent in his proceedings in Memo No.11079/432/F.1/F.13/2019-6 dated 20.08.2019 and consequently proceedings issued by the fourth respondent in his proceedings in Memo No.I.O./DCIAO/CBE/C.No.079 dated 05.11.2019 and in Memo No.IO/DCIAO/CBE/D.No.98 dated 23.12.2019 and quash the same as illegal and unconstitutional and consequently direct the respondents to reinstate the petitioner into service with all attendant and monetary benefits.

For Petitioner : Mr.S.Veeraraghavan
for Mr.C.Gangai Amaran

For Respondents: Mr. Karthik Rajan
Senior Standing Counsel.

ORDER

This Writ Petition has been filed challenging the charge memo and the suspension order issued by the third respondent.

2. The case of the petitioner is that he was working as an Assistant Audit Officer at Chennai and a message that was exchanged in a Whatsapp group became the subject matter of controversy resulting in the the third respondent issuing a suspension order and the fourth respondent issuing a charge memo against the petitioner.

3. The learned counsel appearing for the petitioner submitted that before issuing the charge memo, no explanation was called for from the petitioner and the petitioner had no role to play in the message that was exchanged in the Whatsapp group. The learned counsel further submitted that there is a bias against the petitioner and that the enquiry will not be conducted in a neutral manner and therefore, the entire disciplinary proceedings requires interference of this Court.

4. Heard Mr.S.Veeraraghavan, learned counsel appearing for the petitioner and Mr. Karthik Rajan, learned Senior Standing counsel appearing for the respondent.

5. This Court has very limited jurisdiction to interfere against the suspension order and the charge memo. It is seen that the authorities, who have issued the impugned orders, are vested with the jurisdiction and therefore, it cannot be interfered. The explanation that is sought to be given by the petitioner that he was involved in spreading of message and it did not emanate from his mobile number are all issues, which will have to be taken into consideration at the time of enquiry. These factual details can never become a ground for interfering with the charge memo and suspension order. It goes without saying that the petitioner will be furnished with all the materials relied upon by the management and he will also be

given sufficient opportunity to defend himself in the enquiry proceedings.

6. In view of the above, this Writ Petition is disposed of with a direction to the competent authority to complete the disciplinary proceedings and pass final orders within a period of eight (8) weeks from the date of receipt of copy of this order. Since the petitioner is kept under suspension, he will also be entitled to the payment of subsistence allowance as per rules. No costs. Consequently, connected miscellaneous petitions are closed.

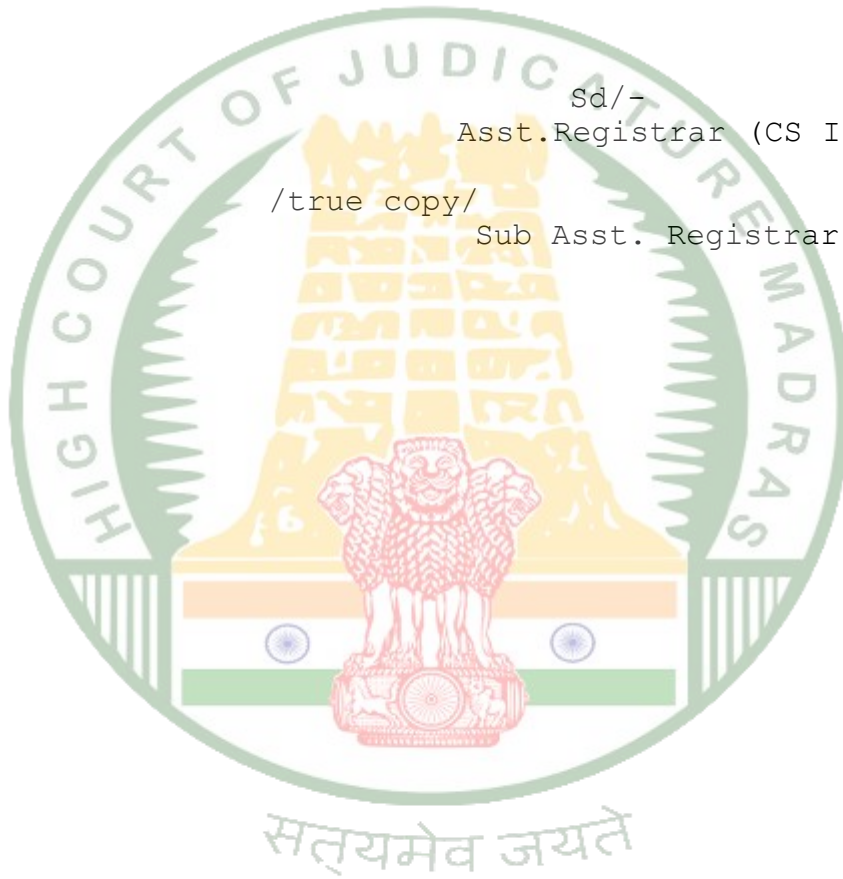
Sd/-

Asst.Registrar (CS II)

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Sub Asst. Registrar

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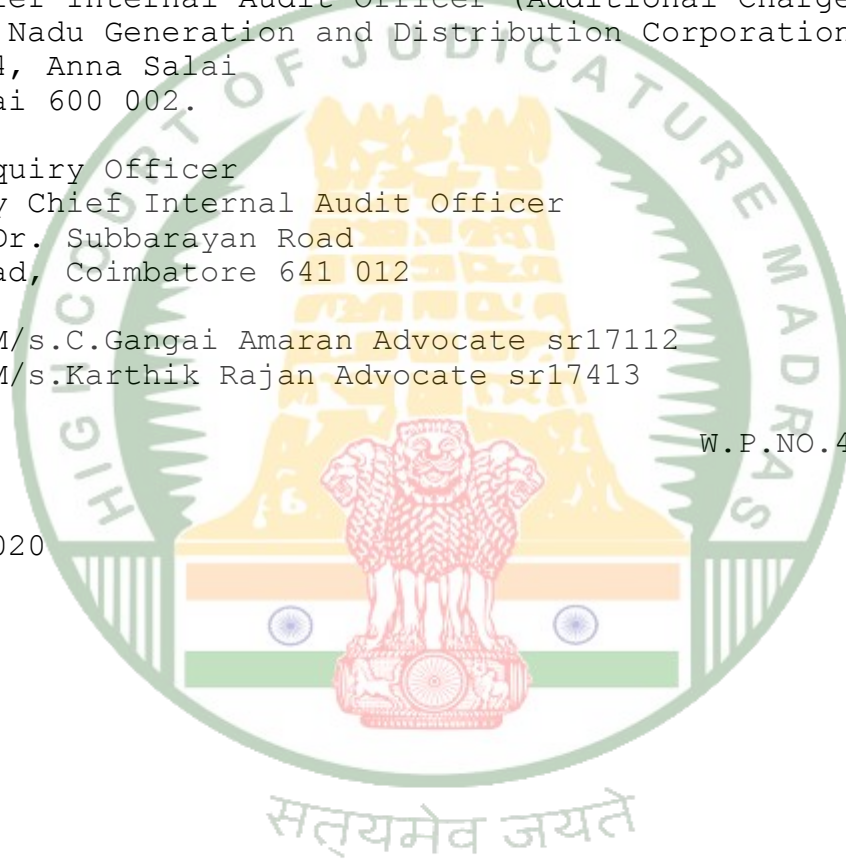
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- +1 cc to M/s.C.Gangai Amaran Advocate sr17112
+1 cc to M/s.Karthik Rajan Advocate sr17413

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