

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.08.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 9872 OF 2013

B.Uma

.. Petitioner

- Vs -

1. The Chairman,
Tamilnadu Electricity Board,
Anna Salai, Chennai 600 002.
2. The Managing Director,
Tamilnadu Electricity Board,
Anna Salai, Chennai 600 002.
3. The Chief Internal Audit Officer
Audit Branch,
NPKRR Maligai (1st Floor)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tamilnadu Electricity Board,
144, Anna Salai, Chennai 600 002.

.. Respondents

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus, to call for the records of suspension order vide Memo NO.03218/174/F.1/F.12/2013, dated 23.1.2013 from the file of 3rd respondent and quash the same and consequently direct the respondents to reinstate the petitioner.

For Petitioner : M/S.I.Jesu

For Respondents : Mr. Karthick Rajan

ORDER

The present petition has been filed this writ petitioner, to call for the records of suspension order vide Memo NO.03218/174/F.1/F.12/2013, dated 23.1.2013 from the file of 3rd respondent and quash the same and consequently direct the respondents to reinstate the petitioner.

2.The case of the petitioner is that the petitioner was working as Assistant Audit Officer, Audit Branch, TNEB, Chennai -2. While in service, the petitioner was on the look out for a personal loan and she was approached by one Neduncheziyan, financial consultant and one Balasubramanian, District Sales Associate of Indusind Bank, who under the guise of helping the petitioner obtain personal loan, secured blank cheques from the petitioner towards the alleged loan and the said cheques were presented for encashment, which was returned resulting in the filing of a criminal case against the petitioner under Section 138 of the Negotiable Instruments Act, on the file of the Judicial Magistrate Court, No.2, Chidambaram. It is the case of the petitioner that for his non-appearance, the learned Magistrate issued a Non Bailable Warrant against the petitioner. In compliance of the NBW, the petitioner was arrested by the law enforcing agency and remanded to judicial custody from 18.12.2012 to 21.12.2012. Immediately thereafter, the suspension order was passed on her, on the ground that the petitioner was in judicial custody from 18.12.2012 to 21.12.2012 for a period of exceeding 48 hours and the said suspension order was with effect from 21.3.2010 until further orders. Challenging the said suspension order, the petitioner has filed this writ petition with the above said prayer.

3.When the matter was taken up for hearing, there is no representation for the petitioner. Considering the fact that the petition has been filed way back in the year 2013 and has been pending on the file of this Court since then, this Court proceeds to decide the case on merits and pass orders, which would in no way be a detriment to the case of the petitioner.

4.On perusal of the affidavit, it appears that the petitioner was in judicial custody for a period exceeding 48 hours and as required by law, the disciplinary authority has no other option but to suspend the petitioner under Regulation 9 (b) of the Tamil Nadu Electricity Board (D&A) Regulations.

5.In addition to that, learned Standing Counsel appearing for the respondent Electricity Board stated that apart from the said criminal case, there are other criminal cases registered against the petitioner. In view of the above, disciplinary proceedings are pending and, therefore, the suspension order against the petitioner cannot be revoked.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. A perusal of the records reveal that while entertaining the writ petition, no interim has been granted by this Court and, in fact, the petition for an interim order was dismissed on

13.07.2018. In such view of the matter, there being no interim order by this Court and further the matter being of the year 2013, this Court is of the considered opinion that the relief as sought for by the petitioner cannot be granted at this distant point of time, except granting liberty to the petitioner to pursue her remedy in accordance with law before the disciplinary authority.

8. With the above observation, this writ petition is disposed off. Consequently the connected miscellaneous petition is closed. However there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamilnadu Electricity Board,
Anna Salai, Chennai 600 002.
2. The Managing Director,
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NPKRR Maligai (1st Floor)
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144, Anna Salai, Chennai 600 002.

+1cc to Mr.Karthik Rajan, Advocate, SR.26633

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NRL (CO)
RV (07/09/2020)