

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.9131 of 2020

and

W.M.P.No.11131 & 11132 of 2020

M.Venkatesan

... Petitioner

Vs.

- 1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
CEDC/Central/Chennai,
Valluvar Kottam, Chennai.
- 2.The Assistant Executive Engineer/O&M,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Pulianthope/CEDC/Central/Chennai,
Chennai - 600 012.
- 3.The Executive Engineer/O&M/Enquiry Officer,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Anna Salai Division, No.6, Lafan Street,
Chintadripet, Chennai - 600 002.
- 4.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO),
Egmore Division, Tangedco,
Malayappan Street, Otteri, Chennai - 12.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of show cause notice Ku.En.11450/249/NIYi 1/NiVu3/Ko/Vo/Na/2019-6 dated 20.05.2020 issued by the first respondent and quash the same and consequently direct the first respondent to conduct fresh enquiry.

For Petitioner : Ms.R.Varalakshmi for
Mr.S.Tamilselvan

For Respondents : Mr.P.R.Dilipkumar

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed seeking the following prayer:

"To call for the records of show cause notice Ku.En.11450/249/NIYi 1/NiVu3/Ko/Vo/Na/2019-6 dated 20.05.2020 issued by the first respondent and quash the same and consequently direct the first respondent to conduct fresh enquiry".

3.The petitioner was working as Revenue Supervisor under the respondents. A criminal case was registered against him and he was also placed under suspension in 2018. The allegation against the petitioner was that he had misappropriated a huge amount of the respondent Board. An enquiry proceeding was initiated against him on the allegation of repeated misappropriation of several lakhs of rupees belonging to the respondent Board and on completion of the enquiry, the findings of the Enquiry Officer was also submitted.

4.The petitioner was also served with the copies of the findings, holding him guilty of charges and he had also submitted his explanation.

5.In the meanwhile, the petitioner had come before this Court in W.P.No.6932 of 2020 questioning the enquiry proceedings. Notice was ordered in the writ petition. He has also questioned the suspension order in another writ petition in W.P.No.6933/2020. Both the cases are pending before this Court. However, the respondents proceeded with the enquiry, since there was no stay of the proceedings and enquiry findings has been submitted and the explanation was taken from the petitioner. At this stage, the present writ petition has been filed to quash the show cause notice dated 20.05.2020.

6.From the above narrative it is very clear that the petitioner has chosen to approach this Court without waiting for a final order to be passed by the Disciplinary Authority. The grounds raised in support of the writ petition do not merit any serious consideration, as the same are legally unacceptable for this Court to intervene in the matter at this stage when a show cause notice was issued to the petitioner, before a final order is passed by the Disciplinary Authority.

7.When the Disciplinary Authority is vested with the power to pass final orders in a matter like this, this Court cannot prevent him from exercising such power, at this stage. It is entirely within the domain of the disciplinary authority to consider the explanation of the petitioner, vis-a-vis the findings of the Enquiry Officer and take a call in the matter. It is certainly not within the jurisdiction of this Court to intervene at this stage, on the basis of self serving averments of the petitioner. On the whole, this Court is of the opinion that the challenge to the show cause notice is premature and cannot be entertained. Accordingly, the writ petition stands dismissed. No costs. Connected miscellaneous petitions are dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msk/mrm
To

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