

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM :

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P.No.18410 of 2018
and
W.M.P.Nos.21732 & 21733 of 2018

R.Krishna Kumar

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
Represented by its Chairman,
144, Anna Salai,
Chennai - 2.

2.The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
144, Anna Salai,
Chennai - 600 002.

3.The Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
Chennai Electricity Distribution Circle - West,
Thirumangalam,
Chennai - 600 040.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent dated 06.12.2007 made in Memo No.108/SE/CEDC/W/Adm.O/Adm.II/A1/F.D.P./2017 and the consequential proceedings of the 2nd respondent dated 20.02.2018 made in Memo No.092720/811/G.1/G.11/2017, quash the said proceedings of the 3rd respondent and 2nd respondent dated 06.12.2017 and 20.02.2018 and consequently, direct the respondents to regularise the services of the petitioner during the period of suspension from 02.12.2004 to 28.06.2006 and direct the Board to consider the case of the petitioner and to promote the petitioner as Assistant Executive Engineer-Electrical, on par with immediate juniors.

For Petitioner : Mr.Abishek Jenasenan
For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel

O R D E R

The writ petition has been filed by the petitioner challenging the charge memo and the subsequent disciplinary action initiated against him. The petitioner was issued with a charge memo dated 06.12.2017 for certain acts of misconduct. The petitioner has raised several grounds assailing the charge memo and the disciplinary proceedings initiated against him, stating that, for the same set of charges, he was acquitted by the Criminal Court on 15.02.2017 in Spl.Case No.24 of 2006 and the acquittal was honourable. The petitioner, apart from that, raised several other grounds questioning the very basis of issuance of charge memo and initiation of disciplinary proceedings.

2.While entertaining the writ petition, this Court has granted interim orders in favour of the petitioner by directing the respondents to complete the enquiry proceedings, but restrained them from passing final orders in the disciplinary proceedings.

3.When the matter is taken up for hearing today, Mr.Abishek Jenasenan, learned counsel appearing for the petitioner would submit that the Department has completed the enquiry proceedings and the Enquiry Officer has submitted a report dated 29.04.2019 and as per the report, the petitioner has been exonerated from the charges. But, in view of the interim direction issued by this Court not to pass final orders, it appears that the Disciplinary Authority has not passed final orders based on the report submitted by the Enquiry Officer.

4.Since the disciplinary action has almost come to a logical end, the earlier direction restraining the respondents from passing final orders is required to be vacated, particularly in the teeth of the fact that the Enquiry Officer has held that the charges against the petitioner were not proved.

5.Therefore, the writ petition is disposed of by directing the 3rd respondent to pass final orders on the enquiry report submitted by Enquiry Officer in pursuance of the charge memo issued against the petitioner and the disciplinary proceedings held in pursuance thereof, within a period of four weeks from the date of receipt of a copy of this order.

6. In view of the above development, the merits or demerits of the respective parties are not addressed by this Court and the grounds raised by the petitioner are left open. In case, the petitioner is aggrieved by any order to be passed by the 3rd respondent on conclusion of the disciplinary proceedings against him, he is also at liberty to approach this Court, if he chooses to do so. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

mkn/rm

To

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
144, Anna Salai,
Chennai - 2.
2. The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
144, Anna Salai, Chennai - 2.
3. The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Chennai Electricity Distribution Circle - West,
Thirumangalam, Chennai - 600 040.

+1cc to Mr. Abishek Jenasanen, Advocate, SR.No.20078.

+1cc to Mr. P.R. Dhilip Kumar, Advocate, SR.No.20455.

SSV(CO)
CSR: 16.03.2020

W.P.No.18410 of 2018

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