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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.06.2020
CORAM
THE HON'BLE **MR.JUSTICE C.SARAVANAN**
W.P.(MD) No.7082 of 2020
and
W.M.P.(MD).No.6520 of 2020
(Through Video Conferencing)

S.Tamilselvan ... Petitioner

Vs.

The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
(TANGEDCO), Maharaja Nagar,
Tirunelveli - 627 011. ...Respondent

Prayer:-Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the impugned order passed by the respondent in his Proceedings Memo No.009067/1116/AS-IV/A1/FDP 2020-2 dated 02.06.2020 and quash the same.

For Petitioner : M/s.P.Jessi Jeeva Priya
For Respondent : Mr.T.Sakthi Kumaran,
Standing Counsel

O R D E R

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

2. In this Writ Petition, the petitioner has challenged the impugned order dated 02.06.2020 passed by the respondent in his Proceedings Memo No.009067/1116/AS-IV/A1/FDP 2020-2.

3. The learned counsel for the petitioner submits that even though the disciplinary proceeding has been initiated, there has been no further progress except the issue of impugned recovery notice asking the petitioner to pay a sum of Rs.2,54,845/-. According to the petitioner, the impugned order was passed based on the letter dated 04.05.2020 bearing reference Lr.No.2624/B4/B42/2019 of the Vigilance Commission, Chennai.

4. The learned counsel for the respondent submits that the disciplinary proceedings could not be proceeded further due to the lock down and therefore, the respondent was constrained to issue the impugned order. It is further submitted that the petitioner should have also impleaded to the Vigilance Commission.

5. I have considered the arguments of the learned counsel for

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the petitioner and the respondent.

6. The impugned order has been passed without following the principle of natural justice and is based on the letter dated 04.05.2020 bearing reference Lr.No.2624/B4/B42/2019 of the Vigilance Commission, Chennai, copy of which was not served to the petitioner. I am therefore inclined to order for the Status-quo to be maintained till the date of completion of disciplinary proceedings. The respondent is directed to complete the disciplinary proceedings within the period of three months from the date of receipt of a copy of this order. The petitioner shall co-operate in the disciplinary proceedings.

7.The respondent is also directed to furnish the copy of letter dated 04.05.2020 bearing reference Lr.No.2624/B4/B42/2019 to the petitioner within a period of ten days from today. Recovery of any amount will be only subject to the final out come of the disciplinary proceedings.

8. With the above directions, this Writ Petition stands disposed of. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To
The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
(TANGEDCO), Maharaja Nagar,
Tirunelveli - 627 011.

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