



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.11.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) Nos.16613 & 16623 of 2020

and

W.M.P. (MD) Nos.13885, 13887, 13891 & 13893 of 2020

K.Guna Sekaran ...Petitioner in W.P.(MD) No.16613 of 2020

S.Sahul Hameed ...Petitioner in W.P.(MD) No.16623 of 2020

Vs

1.The Tamilnadu Generation and Distribution Corporation Limited (TANGEDCO), represented by its Chairman, 144, Anna Salai, Chennai -2.

2.The Joint Managing Director, The Tamilnadu Generation and Distribution Corporation Limited (TANGEDCO), represented by its Chairman, 144, Anna Salai, Chennai -2. ...Respondents 1 and 2 in both W.Ps.,

3.The Superintending Engineer, O/o. the Superintending Engineer, The Tamilnadu Generation and Distribution Corporation Limited (TANGEDCO), Ramanathapuram Distribution Circle, Ramanathapuram 623 503.

...3rd respondent in W.P.(MD) No.16613 of 2020

3.The Superintending Engineer, O/o. the Superintending Engineer, The Tamilnadu Generation and Distribution Corporation Limited (TANGEDCO), Theni Distribution Circle, Theni 625 531. ...3rd respondent in W.P.(MD) No.16623 of 2020

COMMON PRAYER: These Writ Petitions filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Kurippuaanai No.66649/A5/A51/2017-21 and No.66649/A5/A51/2017-22, respectively dated 16/10/2020 and quash the same as illegal.



For Petitioner
in both W.Ps., : Mr.M.Ajmalkhan, Senior Counsel for
M/S.Ajmal Associates

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For Respondents
in both W.Ps., : Mr.T.Sakthikumaran
Standing Counsel

COMMON ORDER

Challenging the impugned order passed by the 2nd respondent dated 16.10.2020, the present writ petitions have been filed.

2.By consent of both parties, the writ petitions are taken up for final disposal at the admission stage itself.

3.The learned Senior Counsel appearing for the petitioners would submit that the petitioners were working as Store Supervisors at the office of the Central Store, General Construction Circle, Samayanallur in the year 2010-2017. The 1st respondent, vide his proceedings dated 19.06.2018, has issued charge memo to the petitioners and that thereafter, an enquiry has been conducted even without considering the explanations given by the petitioners.

4.The learned Senior Counsel would further submit that based on the enquiry report submitted by the Enquiry Officer, the 2nd respondent, by proceedings dated 13.02.2020, issued the show cause notice to the petitioners, for which, the petitioners have submitted their explanations on 12.06.2020. However, the 2nd respondent has passed the impugned order dated 16.10.2020 calling for an explanation as to why the punishment of dismissal from service should not be imposed upon the petitioners. Challenging the same, the petitioners are before this Court.

5.The learned Senior Counsel would further submit that during the course of decision making process, even without considering the single line of the petitioners' explanations dated 12.06.2020, the 2nd respondent has passed the impugned order dated 16.10.2020 and the enquiry report, which was submitted by the Enquiry Officer, also has not been furnished to the petitioners herein.

6.Mr.T.Sakthikumaran, learned Standing Counsel, who takes notice on behalf of the respondents, would submit that the petitioners have filed the present writ petitions in a premature stage and the respondents are ready to provide the enquiry report to the petitioners, so that they can submit their reply. Based on the reply, which has to be submitted by the petitioners, necessary action would be taken and in such event, the entire proceedings will



be kept in abeyance. He would further submit that the impugned order dated 16.10.2020 is only a notice calling for an explanation from the petitioners, and it is not a punishment order.

7. In view of the submission made by the learned Standing Counsel appearing for the respondents and considering the facts and circumstances of the case that there is some discrepancy on the part of the 2nd respondent in the decision making process, this Court is inclined to pass the following directions:-

i) the respondents are directed to furnish the enquiry report, which was submitted by the Enquiry Officer, to the petitioners within a period of one week from the date of receipt of a copy of this order;

ii) on receipt of such enquiry report, the petitioners are directed to submit their reply within a period of two weeks therefrom and thereafter, the respondents are directed to pass appropriate orders;

iii) in the meantime, the impugned order dated 16.10.2020 passed by the 2nd respondent shall be kept in abeyance;

8. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// 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.

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-22605[F]
dated 24/11/2020)

+1 CC to M/s.T. SAKTHI KUMARAN, Advocate (SR-22714[F]
dated 24/11/2020)

W.P. [MD]Nos.16613 & 16623 of 2020
24.11.2020

SSS (CO)

<https://www.judiciary.gov.in/cases> **3P 4C**