



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.12.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.17981 of 2020

and

W.M.P. (MD) No.14982 of 2020

T.Nithya

...Petitioner

Vs

1.The Superintendent Engineer,
Transmission Line Construction,
General Construction Circle,
Tamilnadu Transmission Corporation,
Mannarpuram, Trichy.

2.The Additional Chief Engineer,
General Construction Circle,
Tamilnadu Transmission Corporation,
Trichy 620 020.

3.The Executive Engineer / Enquiry Officer,
Project Erection,
Neyveli.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd respondent to defer all further proceedings pursuant to the charge sheet in Ku.Aa.No.017.ni.bi.II/u.4/Ko.O/2020, dated 30.01.2020 on the file of the 2nd respondent.

For Petitioner	: Mrs.M.Anbarasi
For Respondents	: Mr.T.Sakthikumaran Standing Counsel

ORDER

This Writ Petition is filed to direct the 3rd respondent to defer all further proceedings pursuant to the charge sheet in Ku.Aa.No.017.ni.bi.II/u.4/Ko.O/2020, dated 30.01.2020 on the file of the 2nd respondent and also pending criminal proceeding in P.R.C.No.16 of 2020 on the file of the Learned Judicial Magistrate No.VI, Trichy.



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

3.The learned counsel appearing for the petitioner would submit that a case in Cr.No.228 of 2019 has been registered as against the

petitioner and others for the offences punishable under Sections 341, 294(b), 307, 302 and 506 (ii) IPC on the file of the Thiruverumbur Police Station, Trichy District. Based on the aforesaid criminal case, the petitioner was placed under suspension, vide order dated 12.07.2019 and subsequently, the suspension order of the petitioner, dated 12.07.2019 has been revoked by the 2nd respondent, vide order dated 26.02.2020. She would further submit that based on the said criminal complaint, departmental disciplinary proceedings have also been initiated as against the petitioner.

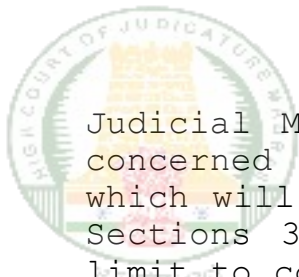
4.It is the contention of the learned counsel for the petitioner that if the departmental proceedings as well as the criminal proceedings continued simultaneously, the petitioner's interest will be affected. Hence, the learned counsel prays this Court that the departmental disciplinary proceedings would be stayed, until the completion of the criminal proceedings. However, the learned Counsel for the petitioner submitted that by inadvertence, they have sought for deferring the further proceedings pending the criminal proceeding in the prayer portion and therefore, prayed for appropriate orders.

5.The learned counsel would further submit that the criminal case is now pending at the PRC stage only and therefore, after completing the entire proceeding, the learned Magistrate has to commit the same to the learned Sessions Judge, which will take some more time. The learned counsel would further submit that she has no objection to pass any final orders on the disciplinary proceedings, after the conclusion of the criminal proceedings.

6.Mr.T.Sakthikumaran, who accepts notice on behalf of the respondents, would submit that appropriate directions may be issued to the learned Judicial Magistrate No.IV, Trichy, to complete the trial in P.R.C.No.16 of 2020 and to pass judgment upon the same, within a stipulated time limit, as stated by the Hon'ble Supreme Court in the case of **State Bank of India and others Vs. Neela Nag and another** reported in **(2016) 9 Supreme Court Cases 491**.

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

8.On a perusal of the papers and by taking into consideration of the said judgment (referred supra), this Court is of the view that the case is pending at the PRC stage and that the learned



Judicial Magistrate No.IV, Trichy, has to commit the case to the concerned Sessions Judge, who, in turn, has to conduct the trial, which will take more than a year time, since the offence relates to Sections 302 and 307 of IPC. Therefore, instead of fixing a time limit to complete the trial, this Court would like to pass orders to expedite the trial even on day-to-day basis, so that the learned Sessions Judge can pass judgment on the said case at the earliest point of time.

9.In view of the foregoing reasons, this Court is inclined to issue the following directions:-

i) the respondents are directed to complete the disciplinary proceedings initiated as against the petitioner, however, they shall not pass any final orders, until the disposal of the case in P.R.C.No.16 of 2020 on the file of the Judicial Magistrate Court No.IV, Trichy and thereafter, the sessions by the Sessions Judge; and

ii) the learned Judicial Magistrate No.IV, Trichy, is directed to commit the case in P.R.C.No.16 of 2020 at the earliest point of time to the learned Sessions Judge, and the Sessions Judge shall conclude the trial, as expeditiously as possible, even by way of conducting the trial on day-to-day basis;

10.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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/ /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

1.The Judicial Magistrate No.IV,
Trichy.

2.The Superintendent Engineer, Transmission Line Construction,
General Construction Circle, Tamilnadu Transmission Corporation,
Mannarpuram, Trichy.



3.The Additional Chief Engineer,
General Construction Circle,
Tamilnadu Transmission Corporation,
Trichy 620 020.

4.The Executive Engineer / Enquiry Officer,
Project Erection,
Neyveli.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-24779[F] dated 10/12/2020

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-24987[F] dated
10/12/2020)

W.P. (MD) No.17981 of 2020
09.12.2020

MJ(CO)
TR(21.12.2020) 4P 7C