



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 18.11.2021

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.24652 of 2021

&

W.M.P.Nos.25940 & 25944 of 2021

T.Kasper

...Petitioner

Vs.

- 1.The Superintending Engineer (O&M),
Nagapattinam Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Sattaiyappar East Street, Nagapattinam - 611 001.
- 2.The Executive Engineer (O&M),
Srikali Division,
Nagapattinam Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thenpathi, Sirkali - 609 110.
- 3.M/s.Indus Towers Ltd.,
ESPEE I.T. Park,
5 (N.P.), 5th Floor,
Jawaharlal Nehru Road,
Ekkeduthangal, Chennai - 600 032.
- 4.Mr.Aneesh,
Co-ordinator,
M/s.Indus Towers Ltd.,
5 (N.P.), 5th Floor,
Jawaharlal Nehru Road,
Ekkeduthangal, Chennai - 600 032.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of certiorarified mandamus calling for the records of the second respondent in connection with Ku.Aa.No.839/Che.Po/E Ru Pa/Ser/Vu Ni A/Ne Me/U.1/Koo.Oo.Na/2021 dated 22.10.2021 and quash the same and direct the respondents to conduct proper enquiry as per the guidelines issued by the management and extend the opportunity to the petitioner to defend his innocence.

For Petitioner : Mr.Chandrasekar.P

For Respondents : Mr.P.Subramaniam, St.Counsel
(for R.1 & R.2)



ORDER

The petitioner is working as Inspector of Assessment and was issued with an order dated 22.10.2021 directing him to pay Rs.2,44,420/- towards alleged wrong collection made against DD issued by the third respondent/Company. Aggrieved by the said direction, the petitioner has made representation to the first and second respondents to provide him a reasonable opportunity to prove his innocence. The petitioner's grievance is that without issuing any formal charge sheet or conducting any departmental enquiry, straightaway the order was passed on 22.10.2021 directing him to pay a huge amount thereby concluding the guilt of the petitioner.

2.The facts in the writ petition would disclose that as against the impugned order dated 22.10.2021, the petitioner has submitted his representation on 30.10.2021. In the representation, the petitioner has objected to the manner in which the impugned order was passed and also pointed out illegality in the order namely that no opportunity was afforded to him before the impugned order came to be passed. While the representation of the petitioner dated 30.10.2021 was pending before the Authority and no order having been passed, the petitioner herein has rushed to this Court with the present prayer seeking to quash the impugned order dated 22.10.2021.

3.The above factual narrative would disclose that pointing out certain infirmities in the impugned order dated 22.10.2021, the petitioner is said to have submitted his representation recently on 30.10.2021. The respondents have not reacted to the representation and without giving the respondents sufficient time to respond to his representation, the petitioner herein has needlessly and unnecessarily rushed to this Court.

4.This Court is of the considered view that the Writ Petition is premature and no cause of action has arisen as yet. If only any communication is received by him in respect of his representation dated 30.10.2021 and by such communication when the petitioner is stated to be aggrieved, there can be a cause of action to agitate before this Court.

5.In the above said circumstances, this Court finds that the Writ Petition is not to be entertained at this stage as being premature and hence stands dismissed. No costs. Consequently, the connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar



To

1. The Superintending Engineer (O&M),
Nagapattinam Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Sattaiyappar East Street, Nagapattinam - 611 001.
2. The Executive Engineer (O&M),
Srikali Division,
Nagapattinam Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thenpathi, Sirkali - 609 110.

+1cc to M/s.P.Subramanian, Advocate, S.R.No.59287

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VSN-II (CO)
SB(08/12/2021)