



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.12370 of 2021

and

W.M.P. (MD)Nos.9713 & 9714 of 2021

WEB COPY

K.Guna Sekaran

... Petitioner

vs.

1.The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Rep. By its Chairman,
144, Annasalai, Chennai - 2.

2.The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Rep. By its Secretary,
144, Annasalai, Chennai - 2.

3.The Joint Managing Director,
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Annasalai, Chennai - 2.

4.The Superintendent of Engineer,
O/o. The Superintendent of Engineer,
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Ramanathapuram Distribution Circle,
Ramanathapuram - 625 531.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his memo No.66649/A5/A51/2017-27, dated 22.06.2021 and quash the same as illegal.

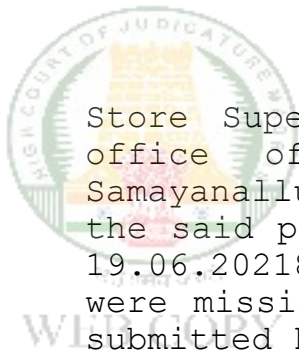
For Petitioner : Mr.Nawazkhan for
M/s.Ajmal Associates.

For Respondents : Mr.T.S.Senthilkumaran
for TANGEDCO

ORDER

This writ petition has been filed challenging proceeding of the second respondent, dated 22.06.2021.

2. According to the petitioner, he was initially appointed as Helper in the respondents Corporation and subsequently promoted as



Store Supervisor. He was working as a Store Supervisor at the office of the Central Store, General Construction Circle, Samayanallur from the year 2010 to 2017. After his transfer from the said place, the first respondent has issued a charge memo dated 19.06.2021, alleging that some of the batteries and copper plates were missing. In response to the said charge memo, the petitioner submitted his explanation refuting the allegations. Notwithstanding his explanation, the Enquiry Officer submitted a report, holding that the charges are proved. The third respondent issued a show cause notice dated 16.10.2020, calling for an explanation as to why the punishment of dismissal from service should not be imposed upon the petitioner. Challenging the said notice, the petitioner has filed W.P.(MD)No.16613 of 2020. This Court, by order dated 24.11.2020, disposed of the said Writ Petition on the following directions:

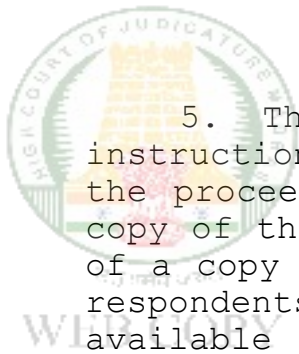
"i) the respondents are directed to furnish the enquiry report, which was submitted by the Enquiry Officer to the petitioners within a period of one week from the date of receipt of a copy of this order.

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 second respondent shall be kept in abeyance.

3. Pursuant to the aforesaid order, the second respondent vide his memo dated 01.02.2021, furnished the enquiry report. On receipt of the same, petitioner made his explanation dated 27.03.2021, requesting to furnish the legible copy of the enquiry report, since the report furnished by the second respondent is not legible. Without considering the request of the petitioner, the second respondent has issued the impugned show cause notice dated 22.06.2021, seeking further explanation within 15 days from the date of receipt of the copy of the show cause notice. The said proceeding is the subject matter of challenge in the present Writ Petition.

4. The learned counsel appearing for the petitioner submitted that the third respondent has not considered the request of the petitioner to furnish the legible copy of the enquiry report. Since the legible copy of the enquiry report is not furnished, the petitioner is unable to submit his explanation to the authority within time. Suddenly, the third respondent has passed the impugned show cause notice dated 22.06.2021, to the petitioner, calling for his explanation within 15 days from the date of receipt of copy of the show cause notice. The said act of the third respondent is arbitrary and against Articles 14 and 16 of the Constitution of India. Therefore, the impugned order is liable to be quashed.



5. The learned counsel appearing for the respondents, on instructions, would submit that to avoid further delay in concluding the proceedings, the respondents are agreed to furnish the legible copy of the enquiry report within one week from the date of receipt of a copy of this order. According to the learned counsel for the respondents, the aforesaid legible copy of the enquiry report is available with him and the same shall be served to the learned counsel appearing for the petitioner as well as to the petitioner through post.

6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

7. In view of the submissions made by the learned counsel appearing for both sides and without going into any other grounds raised in the writ petition, this Court is inclined to pass the following directions:

i) the impugned show cause notice dated 22.06.2021 issued by the second respondent is quashed;

ii) in view of the undertaking given by the learned counsel for the respondents, the legible copy of the Enquiry Report shall be served to the petitioner through post as well as to the learned counsel appearing for the petitioner;

iii) on receipt of such report from the third respondent, the petitioner shall submit his explanation within a period of two weeks therefrom and thereafter, the respondents are directed to comply with the directions issued by this Court in W.P.(MD)No.16613 of 2020; and

iv) the petitioner shall also co-operate for the enquiry.

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

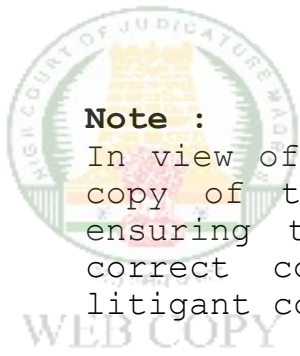
Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)



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.

- 1.The Chairman,Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Annasalai, Chennai - 2.
- 2.The Secretary, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Annasalai, Chennai - 2.
- 3.The Joint Managing Director,
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
144, Annasalai, Chennai - 2.
- 4.The Superintendent of Engineer,
O/o. The Superintendent of Engineer,
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Ramanathapuram Distribution Circle,
Ramanathapuram - 625 531.

+1 CC to M/s.T.SAKTHI MUMARAN, Advocate (SR-25101[F] dated 03/08/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-25160[F] dated 04/08/2021)

W.P (MD) No.12370 of 2021
03.08.2021

RK (12.08.2021) 4P 7C