



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.16718 of 2016

and

W.M.P. (MD)Nos. 12152 and 12153 of 2016

WEB COPY

L.Nagaraj

... Petitioner

Vs.

1.The Chief Engineer/Distribution,
TANGEDCO/Trichy Region,
Trichy.

2.The Executive Engineer,
O/o the Executive Engineer/Operation,
230, K.V.Substation/Alundur,
Trichy-612 316.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records in pertaining to the proceedings of the first respondent in Memo No.15553/1092/Adm.B/B.1/2015, dated 02.11.2015 and quash the same.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.T.Sakthikumaran
Standing Counsel

ORDER

This Writ Petition is filed by the petitioner, challenging the charge memo, dated 02.11.2015, issued by the first respondent.

2. The case of the petitioner is that the petitioner worked as an Assistant Executive Engineer in Tamil Nadu Electricity Board at Pugalur and he retired from service on 30.06.2014 without any remarks and he rendered service in the department for more than 33 years and there was no single allegation against the petitioner. After the retirement of the petitioner, the first respondent issued a charge memo under Section 8(b) of the Tamil Nadu Electricity Board Employees Discipline and appeal regulation read with Tamil Nadu Electricity (Reorganization and Reforms) transfer scheme 2010, violation of regulation 13(i) & (ii) of Tamil Nadu Electricity Board Employees rules. After retirement, there was a family dispute between the petitioner and his second son-in-law viz., Vijayakumar and thereby, the said Vijaya Kumar made a complaint before the respondent Board, as if the petitioner



misappropriated the Government fund and purchased a property in his name, while he was in service. Based on the said complaint, the present charge memo was issued against the petitioner. Challenging the same, the present writ petition is filed.

3. Learned Counsel appearing for the petitioner would submit that the petitioner was retired from service on 30.06.2014 and without retaining the service, the present charge memo was issued on 02.11.2015, after a lapse of 1 ½ years and without following any provision of law and hence, he would pray for setting aside the charge memo and for allowing the writ petition.

4. Learned Standing Counsel appearing for the respondents would submit that without following any provision of law, the charge memo was issued against the petitioner by the authorities and hence, this Court may pass appropriate orders.

5. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials placed on record.

6. Admittedly, the petitioner worked as an Assistant Executive Engineer in Tamil Nadu Electricity Board at Pugalur and he retired from service on 30.06.2014 without any remarks and he rendered service in the department for more than 33 years without any blemish on record. Without retaining the service, the respondent Board issued the impugned charge memo against the petitioner. Disciplinary proceedings against an employee cannot be continued after his retirement in the absence of a specific clause in the employment rules providing for such enquiry. Therefore, the charge memo issued against the petitioner, after his retirement, is unsustainable one and the same is liable to be set aside.

7. In view of the above, the charge memo, dated 02.11.2015, issued by the first respondent is hereby set aside. Accordingly, the Writ Petition stands allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /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.

To

- 1.The Chief Engineer/Distribution,
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Trichy.
- 2.The Executive Engineer,
O/o the Executive Engineer/Operation,
230, K.V.Substation/Alundur,
Trichy-612 316.

+1 CC to Mr.T.SAKTHI KUMARAN, Advocate (SR-5757
[F] dated 17/02/2021)

+1 CC to Mr.P.MUTHUSAMY, Advocate (SR-5778[F]
dated 17/02/2021)

W. P (MD) No. 16718 of 2016
16.02.2021

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