



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.6293 OF 2022

&

W.M.P.NO.6382 OF 2022

S.Umanath

... Petitioner

Vs.

Tamil Nadu Generation
and Distribution Corporation Ltd.,
Represented by its Superintending Engineer,
Cuddalore Electricity Distribution Circle,
Capper Hills/ Cuddalore - 4.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus to call for the records of the respondent in issuing the impugned order bearing Memo No. 1997/SE/CEDC/CUD/Adm.I/A3/F.RFS/2021-1 dated 19.08.2021 and quash the same as illegal and arbitrary and consequently direct the respondent to re-employ the petitioner as ''Wireman''.

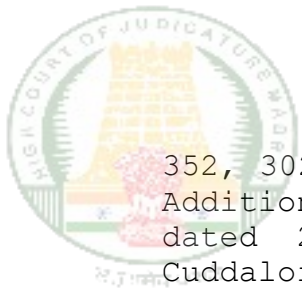
For Petitioner : Mr.Adith Narayan Vijayaraghavan

For Respondent : Mr.P.Subramanian,
Standing Counsel

ORDER

The writ petition is filed for the issuance of a writ of certiorarified mandamus to call for the records of the respondent in issuing the impugned order bearing Memo No. 1997/SE/CEDC/CUD/Adm.I/A3/F.RFS/2021-1 dated 19.08.2021 and quash the same as illegal and arbitrary and consequently direct the respondent to re-employ the petitioner as ''Wireman''.

2. According to the petitioner, a criminal case has been lodged in Session Case No. 394 of 2017 under Sections 163/2017,



352, 302 of IPC read with Section 34 of IPC on the file of the I Additional District and Session Judge, Cuddalore. By judgment dated 28.10.2020, I Additional District and Session Judge, Cuddalore found him guilty of committing the offence and convicted him under Section 302 of the Indian Penal Code and sentenced him to undergo imprisonment for life and directed him to pay a fine of Rs.3,000/-.

3. Pursuant to the aforesaid order, the petitioner has filed an appeal in Crl.A.No. 485 of 2020 before this Court and the sentence of imprisonment suspended by this court. Thereafter, the respondent has issued a memo dated 28.06.2021 to the petitioner for providing reasons within 15 days from the date of receipt of the memo as to why he must not be dismissed from service of the Board as per clause 31 of the TNEB Standing Orders owing to his criminal conviction. The respondent not being satisfied with the response given by the petitioner vide letter dated 21.07.2021, had dismissed the petitioner from service vide memo dated 19.08.2021. Therefore, challenging the dismissal order, the petitioner has filed the present writ petition.

4. The learned counsel for the respondent submitted that the petitioner was convicted by the Sessions Court in Session Case No. 394 of 2017 dated 28.10.2020. Even though the petitioner has filed an appeal in C.A.No. 485 of 2020 and an interim suspension order has been granted by this court on 21.12.2020 wherein the sentence of imprisonment was suspended, based on the aforesaid interim suspension, the petitioner seeking to interfere with the impugned order is impermissible under law and the same is liable to be rejected.

5. Considering the facts and circumstances of the case, that the impugned order passed by the respondent for the removal of the petitioner from service was based on the judgment by the criminal court, if the petitioner succeeds in the aforesaid appeal, he can seek remedy before the authority concerned. No costs.

6. With the above observations, the writ petition is disposed of. Consequently connected MP is also closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mrn



To

The Superintending Engineer,
Tamil Nadu Generation
and Distribution Corporation Ltd.,
Cuddalore Electricity Distribution Circle,
Capper Hills/ Cuddalore - 4.

+1cc to Mr.Adith Narayan Vijayaraghavan, Advocate, S.R.No.18935

+1cc to Mr.P.Subramanian, Advocate, S.R.No.19550

W.P.No.6293 of 2022
and
W.M.P.No.6382 of 2022

GPL (CO)
RLP (09/05/2022)