



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2022

CORAM:

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THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.7488 of 2022

N.Murugesan

... Petitioner

Vs.

The Superintending Engineer,
Madurai Electricity Distribution Circle(Metro)
TANGEDCO, K.Pudur,
Madurai District-600 007.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to provide annual increment, surrender pay and wage revision pay to the petitioner by treating the duty period from 20.12.2012 to 28.11.2021 during which the petitioner was kept under suspension in light of Ruling 9 read with Rule 57B of the TNEB Service Regulations, since the petitioner ended into the criminal case in Special Case No.18 of 2014 before the Special Court of Vigilance and Anti Corruption cases, Madurai dated 31.01.2020 within the time stipulated by this Court.

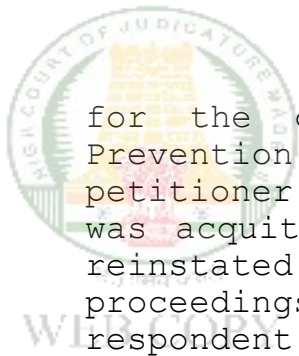
For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.S.Arivalagan
Standing Counsel

ORDER

The relief sought for in the present writ petition is to direct the respondent to provide annual increment, surrender pay and wage revision pay to the petitioner, by treating the duty period from 20.12.2012 to 28.11.2021, during which the petitioner was kept under suspension in light of Ruling 9 read with Rule 57B of the TNEB Service Regulations, since the petitioner ended into the criminal case in Special Case No.18 of 2014 before the Special Court of Vigilance and Anti Corruption cases, Madurai dated 31.01.2020.

2.The petitioner is working as Junior Engineer Grade II. The learned counsel appearing for the petitioner mainly contended that a criminal was registered against the writ petitioner on 21.12.2022



for the offence under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988. Pending criminal case, the petitioner was placed under suspension. Meanwhile, the petitioner was acquitted in the said criminal case. Thus, the petitioner was reinstated in service. Thereafter, departmental disciplinary proceedings were initiated and the same is pending before the respondent. In view of the pendency of the departmental disciplinary proceedings, the petitioner has not been granted annual increments and other service benefits due to him.

3.The learned counsel for the petitioner fairly made a submission that the criminal case ended with an order of acquittal and the departmental disciplinary proceedings are to be concluded as expeditiously as possible.

4.This Court is of the opinion that the acquittal in criminal case is not a bar for continuing the departmental disciplinary proceedings. The criminal case required a strict standard of proof. However, no strict proof is required in departmental disciplinary proceedings, only preponderance of probabilities are to punish the employee. Thus, the Hon'ble Supreme Court has held that departmental disciplinary proceedings are to be conducted independently and mere acquittal in a criminal case is not a bar for departmental disciplinary proceedings or a ground to seek exoneration from the disciplinary proceedings.

5.This being the distinct different procedures to be followed in a criminal case and in a departmental disciplinary proceedings, the authorities competent must ensure that all such departmental proceedings are disposed of as expeditiously as possible and by affording an opportunity to the delinquent officials. Thus, in the present case, the petitioner is waiting for long years to get his service benefits.

6.Considering the facts and circumstances, the respondents are directed to proceed with the departmental disciplinary proceedings, if necessary by collecting all the documents and dispose of the same by following the procedures and by affording an opportunity to the writ petitioner, as expeditiously as possible. The case of the petitioner shall be considered for settlement of other benefits if he is otherwise eligible in accordance with the rules in force. The writ petitioner is also directed to co-operate for the early disposal of the departmental disciplinary proceedings. In the event of non-cooperation on the part of the petitioner, the same would be recorded in the proceedings itself and in such circumstances, the petitioner is not entitled to seek any relief merely on the ground of delay in disposal of the disciplinary proceedings.



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7. With these observations, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar (CS)

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To:

The Superintending Engineer,
Madurai Electricity Distribution Circle (Metro)
TANGEDCO, K. Pudur,
Madurai District-600 007.

+1 CC to M/s. I. PINAYGASH, Advocate (SR-20233[F] dated 21/04/2022)

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20.04.2022

RD(17.05.2022) 3P 3C