



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.8973 of 2021

and

W.M.P. (MD) No.6761 of 2021

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S.Thangababy

... Petitioner

vs.

1.Tamil Nadu Generation &
Distribution Corporation Limited
rep.by its Chairman cum Managing Director
No.144, Anna Saalai, Chennai-600 002

2.Tamil Nadu Generation &
Distribution Corporation Limited
rep.by its Joint Managing Director
Secretariat Branch
No.144, Anna Saalai, Chennai-600 002

3.Tamil Nadu Generation &
Distribution Corporation Limited
rep.by its Secretary
No.144, Anna Saalai
Chennai-2

4.The Chief Engineer
Tamil Nadu Generation &
Distribution Corporation Limited
Tuticorin Thermal Power Station
Tuticorin-4

5.P.Bakthavatchalam

6.The Superintending Engineer / Civil
Tuticorin Thermal Power Station
Tuticorin-4

7.N.Yamuna Rani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records pertaining to the impugned order in Memorandum No.16724/A5/A52/2021-1, dated 22.04.2021, on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.Lajapathi Roy.T.

For Respondents 1-6 : Mr.S.Arivalagan for R1 to R4 & R6



O R D E R

The order of suspension, dated 22.04.2021, passed by the second respondent, placing the petitioner under suspension on the ground that being a responsible Class-I Officer working in the post of Executive Engineer, Maintenance Division-II, Tuticorin Thermal Power Station, the petitioner is not ready to shoulder her responsibilities and thereby, causing unnecessary burden to the higher officials by dereliction of her duties and other responsibilities, is under challenge in this writ petition.

2. The petitioner is working as Executive Engineer, Maintenance Division-II, in Tuticorin Thermal Power Station. The post of Executive Engineer in Maintenance is an important post, where the officials are bound to take responsibilities and accountability for maintaining the Thermal Power Station in accordance with the procedures. The Higher Officials found that the petitioner has committed dereliction of duties and is not ready to shoulder her responsibilities. Such an attitude is undoubtedly, if established, is a misconduct. Therefore, the Authority Competent is bound to conduct enquiry by affording opportunity to the petitioner. The impugned order of suspension was passed on 22.04.2021 and in view of the pendency of this writ petition, the respondents could not proceed with the matter further.

3. The learned counsel for the petitioner made a submission that the petitioner has also given a letter making it clear that she is ready to cooperate for the early disposal of enquiry proceedings.

4. Under these circumstances, this Court is of the opinion that the Authority Competent shall continue the departmental disciplinary proceedings by issuing a charge memo, conducting enquiry and passing orders on merits and in accordance with law, as expeditiously as possible. Suspension at this juncture need not be interfered with by this Court as it cannot be construed as prolonged. On account of certain dereliction of duties against the Class-I Officer, this Court is not inclined to interfere with the order of suspension. Therefore, the petitioner is at liberty to defend her case by availing the opportunity to be provided by the Disciplinary Authority. In such view of the matter, the Authority Competent shall proceed with the departmental disciplinary proceedings, conclude the same by following the procedures as contemplated and by affording opportunity to the petitioner, as expeditiously as possible.

5. It is needless to mention that after disposal of the departmental disciplinary proceedings, the impugned order of suspension is to be reviewed.



6. With the above observations and directions, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Krk

To:

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Tuticorin-4

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-12028[F] dated
15/03/2022)

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