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Writ Petition No.3168 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3168 of 2023

and

W.M.P.No.3226 of 2023

D.Surya

... Petitioner

Vs.

1. The Chairman cum Managing Director,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.

2. The Superintending Engineer,
TANGEDCO,
CEDC/West,
Anna Nagar, Chennai – 600 102.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari calling for the records of the second respondent in charge memo no.314-1/SE/CEDC/W/Adm.O/Adm.II/A1/F.D.P./2022 dated 15/12/2022 and quash the same.

For Petitioner : Mr.Vijayan Subramanian

For Respondents : Mr.David Sundar Singh
Standing counsel



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ORDER

This writ petition has been filed challenging the impugned charge memo issued by the second respondent on 15.12.2022.

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2. Heard Mr.Vijayan Subramanian, learned counsel appearing for the petitioner and Mr.David Sundar Singh, learned Standing Counsel appearing for the respondents.

3. The case of the petitioner is that he was working as a Junior Engineer and based on the complaint given against him, an FIR came to be registered by the Directorate of Vigilance and Anti-Corruption and after the completion of the investigation, a final report was also filed and the same is pending in Special C.C.No.01 of 2014 before the learned Chief Judicial Magistrate, Thiruvallur.

4. The grievance of the petitioner is that a charge memo has been issued by the second respondent based on the very same facts and according to the petitioner, if the departmental proceedings are continued, the defence of the petitioner will be exposed and it will prejudice the petitioner in the pending criminal case. Hence the charge memo has been put to challenge in this petition.



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5. Learned counsel appearing on behalf of the petitioner mainly relied upon the judgment of the Hon'ble Apex Court in the case of **M.Paul Anthony v. Bharat Gold Mines** in *AIR 1999 SC 1417* and submitted that the departmental proceedings and criminal trial cannot go on simultaneously.

6. Per contra, learned standing counsel appearing on behalf of the respondents submitted that there is no straitjacket formula that in every case the departmental proceedings must be kept in abeyance during the pendency of the criminal trial and it will depend upon the facts and circumstances of each case.

7. In the considered view of this Court, if the departmental proceedings are completed by the time the criminal trial is in pending, it will certainly cause prejudice to the petitioner since it will completely expose the defence of the petitioner. That doesn't mean that this Court will interfere with the departmental proceedings in every case.

8. In the facts and circumstances of the present case, there shall be a direction to the respondents to proceed further with the departmental



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proceedings and no final decision shall be taken till the criminal case in Special C.C.No.01 of 2014 pending before the learned Chief Judicial Magistrate, Thiruvallur is disposed of. By issuing this direction, the interest of the petitioner will be sufficiently safeguarded.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

07.02.2023

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
rap/gm

To

1. The Chairman cum Managing Director,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.
2. The Superintending Engineer,
TANGEDCO,
CEDC/West,
Anna Nagar, Chennai – 600 102.



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N.ANAND VENKATESH, J

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