

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM :

THE HON'BLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.3182 of 2020
and
W.M.P.No.3693 of 2020

M.Periasamy

... Petitioner

Versus

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corpn. Ltd.,(TANGEDCO)
Administrative Branch,
144, Anna Salai,
Chennai – 2.

2.The Secretary,
Tamil Nadu Generation and Distribution Corpn.Ltd., (TANGEDCO)
Administrative Branch,
144, Anna Salai,
Chennai – 2.

3.The Additional Chief Engineer,
Vellore Electricity Distribution Circle,
Vellore – 6.

4.The Superintendent Engineer,
Perambalur Electricity Distribution Circle,
Perambalur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to complete the Disciplinary Proceedings with respect to the charge memo No.3512/A2/A51/2019-5, dated 20.06.2019 issued against the petitioner, within a time as fixed by this Court.

For Petitioner : Mr. Krishnasamy Chinnasamy

For Respondents : Mr. K. Raj Kumar,
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to direct the respondents to complete the Disciplinary Proceedings vide the Charge Memo in No.3512/A2/A51/2019-5, dated 20.06.2019, which was issued against the petitioner, within a stipulated time as fixed by this Court.

2.The brief facts of the case are that the petitioner was appointed as Helper (Trainee) in the year 2009 in Perambalur Electricity Distribution Circle, through ITI Helper direct recruitment. According to the petitioner, all of a sudden he was transferred by the third respondent vide proceedings dated 05.03.2019. As he came to know that a promotion panel was prepared for the post of Commercial Assistant to Commercial Inspector, without including his name, due to a corruption allegation on him. Therefore, the petitioner gave a representation on 20.06.2019 to the third respondent to include his name in the promotion panel. A charge memo was also made by the first respondent on 20.06.2019 against the petitioner and the same was issued on 13.08.2019 belatedly. Even though the enquiry with regard to the charge memo was concluded by the Enquiry Officer on 24.05.2022, till date,

there was no further improvement in respect of his promotion. Challenging the said Charge Memo, dated 20.06.2019, issued by the first respondent, the present Writ Petition is laid before this Court.

3.Today, when the matter came up for hearing, the learned Standing Counsel appearing for the TANGEDCO has submitted a Memo, dated 31.07.2023 before this Court, and the same is extracted hereunder:-

*“IN THE HIGH COURT OF JUDICATURE AT
MADRAS*

W. P. No.3182 of 2020

M. Periyasamy

... Petitioner

Vs

*The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation
Limited (TANGEDCO)*

No. 144, Anna Salai, Chennai - 600 002

and 3 others.

... Respondents

MEMORANDUM FILED BY THE RESPONDENTS

It is submitted as follows:

1) In respect of allegation of corruption and loss to the TANGEDCO charges have been framed against six officials on the recommendation of the Vigilance Department on 20-06-2019.

2) The enquiry officer returned his findings in respect of few individuals and for others the enquiry is still going on. The Finalisation of the Disciplinary Proceedings will take some more time as the enquiry

officer has to summon the investigation officer to proceed further with the enquiry.

3) As the final orders has to be passed on the basis of consolidated evidence the respondents requires three more months to pass final orders.

4) It is further submitted that as far as the petitioner is considered even though the enquiry was over on 24-05-2022, the Other delinquents have implicated the petitioner on certain irregularities. Hence unless the report of other two persons or obtained the board is not in a position to pass final orders.

5) Hence it is just and necessary that this Hon'ble Court be pleased to consider the request of the respondents for grant of 3 more months time for passing final orlers against the petitioner in the Disciplinary Proceedings and this render justice,

Dated at Chennai this the 31 day of July 2023

Counsel for Respondents''

In which, it is stated that the Enquiry Officer wants to summon the Investigation Officer, who conducted the enquiry with regard to the charge memo on the petitioner. Further, he sought three months' time for the completion of the Disciplinary Proceedings, since some other delinquents have implicated the petitioner for certain irregularities. Therefore, they are not in a position to complete the proceedings, even though the enquiry report was submitted by the Enquiry Officer.

4.Heard the learned Counsel on either side and perused the material records of the case.

5.On a perusal of the charge levelled against the petitioner and the above submissions made by the learned Standing Counsel appearing for the TANGEDCO, this Court feels that the petitioner's charge of not preparing a proper estimate for a temporary connection is not a serious offence. However, a Memo dated 31.07.2023 filed on behalf of the respondents, this Court is inclined to grant a further period of three months time to complete the enquiry on the Disciplinary Proceedings of the charge memo issued against the petitioner, i.e., on or before 31.10.2023. The said memo was taken on record by this Court.

6.The Writ Petition is disposed of, with the above direction and observation. No costs. Consequently, the connected miscellaneous petition is closed.

31.07.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

klt

To:

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