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Writ Appeal No.2877 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.08.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.2877 of 2019 &
CMP No.18505 of 2019**

K.Veeramani ... Appellant

Vs

1.The Government of Tamil Nadu
Rep., by the Chief Electrical Inspector,
Office of the Electrical Inspectorate
Thiru Vi.Ka Industrial Estate,
Guindy, Chennai - 600 032.

2.Senior Electrical Inspector,
Corporation Commercial Complex,
Dr.Nanjappa Road, Coimbatore Central
Coimbatore – 641 018.

... Respondents

PRAYER Writ Appeal filed under Clause 15 of Letter Patent against the order dated 20.02.2019 made in W.P.No.13499 of 2018.

For Appellants : Mr.K.S.Viswanathan Sr., Counsel
Assisted by Ms.T.Hemalatha

For Respondents : Mr.K.V.Sanjeev Kumar Spl., GP



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JUDGMENT

(Order of the Court was made by R.SURESH KUMAR.,J.)

This Intra Court Appeal has been directed against the order passed by the Writ Court dated 20.02.2019, made in W.P.No.13499 of 2018.

2. The appellant was an employee of the respondent Department, against him a DVAC enquiry was already initiated, ultimately the matter is pending before the concerned Criminal Court, where he is facing trial.

3. In the meanwhile, a charge memo has been issued against him by initiating departmental proceedings on 22.05.2018.

4. In this context, it is the case of the appellant that the charge memo is verbatim similar to that of the charge that he is facing in the criminal trial. Therefore, simultaneously instead of facing both criminal trial as well as the disciplinary proceedings arising out of the same incident on par with same set of charges, if the criminal proceedings is permitted to go on,



the purpose of going for a disciplinary proceedings separately on the same set of charges may not be required that therefore probably on that ground mainly the appellant challenging the said charge memo dated 22.05.2018, had filed the said Writ Petition.

5. The said Writ Petition having been considered was dismissed by the learned Single Judge through the order impugned dated 20.02.2019.

6. Today when this Writ Appeal was taken up for hearing, Mr.K.S.Viswanathan, learned Senior counsel appearing for the appellant would contend that though such a prayer sought for in this Writ Appeal to set aside the order passed by the learned Single Judge, which is impugned herein and as a sequel to quash the order of charge memo, dated 22.05.2018, now the appellant wants to confine, with the prayer to the extent that if the disciplinary proceedings initiated to conduct an enquiry pursuant to the impugned charge memo is awaited till a disposal is made by the criminal trial Court in the pending trial that would suffice to meet the ends of justice at this juncture.



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7. We have also heard Mr.K.V.Sanjeev Kumar, learned Special Government Pleader appearing for the respondents, who would submit that since the appellant has already superannuated, at this juncture since departmental proceedings have already been initiated, where the charge memo had been issued in the year 2018. Therefore, it is rightful for completing the enquiry and conclude the disciplinary proceedings at an early point of time. Therefore, at this juncture in the guise of facing the criminal trial, the appellant cannot seek for deferral of the disciplinary proceedings endlessly.

8. We have considered the said submissions made by both sides and perused the materials placed before this Court.

9. Though for a larger prayer, this appeal has been filed, since the appellant is confined with a relief only to that extent as indicated above, we feel that without going into the merits of the order that has been passed by the Writ Court which is impugned herein, we are inclined to dispose of the



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Writ Appeal with the following order:-

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a) That the respondents shall await the decision to be made finally in the criminal trial which is faced by the appellant in Spl., C.C.No.2 of 2018 on the file of the Special Court for the cases under the Prevention of Corruption Act, Coimbatore;

b) After the judgment is delivered either acquitting or convicting the appellant unmindful of the same, it is open to the respondents to proceed with the departmental enquiry in pursuance of the charge memo dated 22.05.2018.

c) In order to avoid any further consumption of time in completing the criminal trial in the guise of the present order, we do feel that certain directions as a precautionary measure can be given under which the respondents are directed to await the decision to be made by the criminal trial Court only for a period of six (6) months within which if the trial is not completed, it is still pending or will be going on,



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unmindful of the pendency of the trial before the Criminal Court, the respondent can proceed with the departmental enquiry pursuant to the impugned charge memo dated 22.05.2018. Therefore, either the judgment to be delivered in the criminal trial, or six (6) months from the date of receipt of a copy of this order, whichever is earlier based on which the respondents can proceed with the departmental enquiry.

10. With these directions and observations, the Writ Appeal is disposed of. Consequently connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

(R.S.K.,J.)

(K.B., J.)

29.08.2023

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To
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R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

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