



W.P.No.17771 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17771 of 2018
and
W.M.P.No.21038 of 2018

A.Boominathan

...Petitioner

Vs

1.The Managing Director,
TASMAC Ltd., CMDA Tower-II,
4th Floor, Egmore,
Chennai - 600008.

2.The Senior Regional Manager,
TASMAC, Azhagapuram,
Salem - 16, Salem District.

3.The District Manager,
TASMAC Ltd., Tiruvannamalai,
Tiruvannamalai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Sae.Mu.Na.Ka.No.B1/13253/2016, dated 02.09.2016 and quash the same and consequently directing the respondents to reinstate



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the petitioner into service as Supervisor in the respondents Corporation with all attendant benefits, back wages and other monetary benefits.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.C.Ramesh

ORDER

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.C.Ramesh, learned counsel for the respondents.

2. In consequence to the petitioner's involvement in a criminal case initiated by the Director of Vigilance and Anti Corruption, whereby the petitioner was apprehended through trap while receiving bribe, charges came to be framed against him, through a charge memo dated 10.02.2014. The petitioner herein had not given his explanation to the charges, which promoted the respondents to conduct an enquiry. The petitioner had participated in the enquiry. In the enquiry, the Enquiry Officer had placed reliance on the vigilance report submitted by the Department of Vigilance and Anti Corruption (DVAC) and since it was stated that the petitioner has been arrayed as second accused in the



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criminal case, whereby a trap was laid and he was apprehended, the charges were held to be proved. Thereafter, the enquiry report was also served on the petitioner along with show cause notices dated 05.03.2015 and 09.03.2015 and the petitioner had given his further explanation. Not being satisfied with the explanation, the third respondent had passed the order dated 17.03.2015, dismissing the petitioner from service. As against the said order, an appeal was preferred to the second respondent herein, which was dismissed on 18.08.2015, so also the revision before the first respondent was rejected on 02.09.2016. Challenging these orders, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner was not involved in the over tacts attributed to him and it was only the first accused who was involved in the delinquencies. He would further submit that the criminal case against the petitioner is still pending.

4. Per contra, learned counsel for the respondents placed reliance on the counter affidavit and submitted that all the procedures for conducting a departmental enquiry have been duly followed and the



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petitioner was given ample opportunities to put forth his objections during the course of the proceedings and as such, the order of punishment does not require consideration.

5. On perusal of the Enquiry Officer's report dated 16.02.2015, it is seen that reliance has been placed on the vigilance report of the DVAC, wherein a reference has been made to the trap laid and receiving of bribe by the petitioner, who was arrayed as second accused. By placing reliance on such a report, the Enquiry Officer has held the charge to have been proved. The charge, as such, itself is for the petitioner's involvement in the criminal case. Thus, the findings of the Enquiry Officer in this regard cannot be said to be vitiated.

6. This apart, the disciplinary authority had followed the procedures contemplated for conduct of a disciplinary proceedings and has also given ample opportunity to the petitioner from the stage of levelling of charges, conduct of enquiry and calling for further explanations, pursuant to the proven charges. Likewise, the appellate authorities have also considered the petitioner's appeal grounds and have



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come to an independent finding that the impugned order of punishment does not require interference.

7. I do not find any infirmities either in the enquiry conducted or in the proceedings of the appellate and revisional authorities. As such, there are no merits in the present writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

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