



WEB COPY



W.P.No.18228 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.18228 of 2014

P.Chithiravelu

... Petitioner

Vs.

1.The Chairman Cum Management Director,
Tamilnadu Generation and Distribution
Corporation of India, NPKRR Maaligai,
144, Anna Salai, Chennai-600 002.

2.The Chief Engineer,
Tamilnadu Generation and Distribution
Corporation of India,
Coimbatore.

3.The Superintending Engineer,
Tamilnadu Generation and Distribution
Corporation of India,
Tiruppur Electricity Distribution Circle,
Tiruppur.

4.The Executive Engineer,
Tamilnadu Generation and Distribution
Corporation of India,
Tiruppur Electricity Distribution Circle,
Palladam.

...Respondents



W.P.No.18228 of 2014

WEB COPY

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari, calling for the entire records pursuant to the order dated 02.07.2014 on the file of the fourth respondent in KOO.AAA.NO.SAY.POO/PAL/NEE PEE VOO 2/ KOO MARAI PURUL NO.54/2014, quash the same.

For Petitioner : Mr.Muralikrishnan
for M/s.G.B.Saravanabhavan

For Respondents : Mr.K.Rajkumar

ORDER

The petitioner was working as Inspector of Assessment at V.Kallipalayam within the limit of Palladam Division Office in the Tamilnadu Generation And Distribution Corporation of India, and was engaged in collection of electricity consumption charges along with one Mr.S.Senthilkumar. The said Mr.S.Senthil Kumar was suspended from service in the month of July 2014, on the allegation that he has committed certain irregularities.

2. A notice dated 02.07.2014 vide proceeding கு.ஆ எண் செ.பொ.பல்.நிபிஉ.2.



W.P.No.18228 of 2014

கோமஹபொருள்.14 was issued to the petitioner by the respondent Nos.1 to 4

alleging that the petitioner has misappropriated the money and directing him to pay a sum of Rs.11,93,442/-. It is submitted by the learned counsel for the petitioner that petitioner is no way connected with the alleged misappropriation of amount and that a Criminal case has been registered and disciplinary proceedings have also been initiated, only against Mr.S.Senthil Kumar, alleging misappropriation of money, thereby issuance of notice to the petitioner is not proper, hence, sought for quashing of impunged notice.

3. Learned counsel for the respondent/TANGEDCO submitted that petitioner is also responsible for the misappropriation of amount, therefore the Department has rightly issued impunged Proceedings and the petitioner is not entitled for the relief sought for and prays to dismiss the writ petition.

4. Heard both sides and perused the materials on records.

5. The respondent/TANGEDCO has issued proceedings bearing No. KOO.AAA.NO.SAY.POO/PAL/NEE PEE VOO 2/ KOO MARAI PURUL NO.54/2014, dated 02.07.2014 directing the petitioner to pay Rs.11,93,442/- without even conducting enquiry and without even issuing show cause notice



W.P.No.18228 of 2014

to the petitioner. If at all the petitioner has committed misappropriation, charge memo should have been given and an enquiry should have been initiated and there should have been same enquiry to hold that petitioner is responsible for misappropriation. No criminal case also registered against the petitioner.

6. If at all the respondents are of the view that the petitioner has committed misappropriation, the respondents are at liberty, to issue show cause notice to the petitioner in respect of the alleged misappropriation of the amount and on receipt of reply from the petitioner, if at all the respondent/department is not satisfied with the reply given by the petitioner, the respondent can initiate disciplinary proceedings by following due process of law after giving fair opportunity to the petitioner. However issuing of impugned notice directing him to pay Rs.11,93,442/- is contrary to the principles of natural justice. Accordingly impugned notice in KOO. AAA. NO. SAY. POO/ PAL/ NEE PEE VOO 2/ KOO MARAI PURUL NO.54/2014, is hereby set aside.

7. This Writ Petition is disposed of, with a liberty to issue fresh show



W.P.No.18228 of 2014

cause notice as observed above. No costs.

WEB COPY

06.12.2023

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Index: Yes/No

Neutral Citation: Yes/No



WEB COPY



W.P.No.18228 of 2014

Dr.D. NAGARJUN, J.

jai

To

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WP.No.18228 of 2014

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