



W.P.(MD)No.3102 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3102 of 2023

W.M.P(MD).Nos.2887 and 2888 of 2023

A.Mahaboob Ibrahim

Vs.

... Petitioner

- 1.The Chairman,
TNEB, X Floor,
NPKRR Maaligai,
800, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer (Personnel),
No.144, Anna Salai
Chennai-2.
- 3.The Chief Engineer,
TANGEDCO,
Madurai.
- 4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Dindigul.
- 5.The Executive Engineer/General,
Enquiry Officer,
Theni Electricity Distribution Circle,



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TANGEDCO,
Theni.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records of the respondents particularly that of the 4th respondent's impugned order of suspension in Ku.Aa.No.012395/351/Ni.Pi.3/Ni.Vu.2/ Ko.Thani /2022 dated 31.12.2022 and consequential memo No.944/861/Adm-III/A2/F.DP/2022-1 dated 31.12.2022 of not allowing to retire and quash the same as without jurisdiction, illegal, unlawful and against the principles of natural justice and consequently, direct the 4th respondent to permit the petitioner to retire from services of the Respondents with all attendant terminal benefits including interests for the said sums from the date of attaining superannuation till the date of payments by the respondents.

For Petitioner	: Mr.K.Anandan
For Respondents	: Mrs.M.Maheswari



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ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order of suspension issued by the fourth respondent in Ku.Aa.No.012395/351/Ni.Pi.3/Ni.Vu.2/ Ko.Thani /2022 dated 31.12.2022 and consequential memo No.944/861/ Adm-III/A2/F.DP/2022-1 dated 31.12.2022 of not allowing the petitioner to retire and quash the same as without jurisdiction, illegal, unlawful and against the principles of natural justice and consequently, direct the 4th respondent to permit the petitioner to retire from service of the respondents with all attendant terminal benefits including interests for the said sums from the date of attaining superannuation till the date of payments by the respondents.

2. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Helper in Tamil Nadu Electricity Board, Dindigul in the year 1987, was promoted as Commercial Assistant in the year 1996 and in the year 1997, was promoted as Store Custodian



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Grade II. Again he was promoted as Store Custodian Grade I in the year 2000 and finally, was promoted as Store Supervisor in the year 2009 and now he is working in the said post. While so, the petitioner was given a charge memo by the third respondent on 22.10.2021, stating that the three charges have been levelled against him and three other employees namely K.Soundararaju, Chief Stores Officer, G.Kannan, Store Custodian and A.Manivannan, Store Custodian, for negligent and irregularity in maintenance of the records during the years 2014 and 2015. However, the superior of the petitioner namely K.Soundararaju was allowed to retire with full pensionary benefits on 29.02.2020. Only after his retirement, the charges were framed. The fifth respondent was appointed as Enquiry Officer on 18.05.2022. In the meantime, the petitioner has filed a writ petition in W.P(MD).No.27674 of 2022 to complete the enquiry expeditiously and this Court, on 07.12.2022, has directed the fifth respondent to complete the enquiry within a period of two weeks from the date of receipt of a copy of the order and directed the fourth respondent to pass final order within seven days thereafter. However, the direction issued by this Court has not been complied with, but the fourth



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respondent has passed the impugned suspension order dated 31.12.2022 and the consequential Memo dated 31.12.2022 of not allowing the petitioner to retire. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the petitioner was placed under suspension, the enquiry has not been completed as directed by this Court in W.P.(MD).No.27674 of 2022 on 07.12.2022. Hence, this Court may revoke the suspension order and direct the respondents to settle the terminal benefits to the petitioner.

4. The learned counsel appearing for the respondents would submit that admittedly, earlier this Court in the said writ petition filed by the petitioner has issued a direction to the respondents to conclude the enquiry within a period of two weeks from the date of receipt of a copy of the order. Since the respondents are not able to conclude the enquiry, they have filed a petition to extend the time for concluding the enquiry in W.M.P(MD).No.1642 of 2023 in W.P(MD).No.27674 of 2022 and even



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assuming that if the suspension order has been revoked, it will not help the petitioner to get the terminal benefits until the enquiry is completed.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, since the enquiry is pending against the petitioner, this Court has already issued a direction to conclude the enquiry within a period of two weeks from the date of receipt of a copy of the order in W.P(MD).No.27674 of 2022 filed by the petitioner on 07.12.2022. However, the enquiry has not been completed and the respondents have filed a petition in W.M.P(MD).No.1642 of 2023 in W.P(MD).No.27674 of 2022 to extend the time for completing the enquiry. Hence, though the impugned order of suspension is revoked, it will not help the petitioner to get the terminal benefit, until the enquiry is completed. Therefore, this Court directs the respondents to complete the enquiry pending against the petitioner within a period of six weeks from the date of receipt of a copy of this order.



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7. Accordingly, this Writ Petition is disposed of. No costs.

Connected miscellaneous petitions are closed.

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NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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M.DHANDAPANI,J.

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