



W.P.(MD).No.19854 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19854 of 2023

and

W.M.P(MD) No.16402 of 2023

R.Saravana Kumar (44/23)
Inspector of Assessment
(Removed from Board of Service)
D.No.2/104, North Street,
Thiruthalaiyur Post,
Musiri, Trichy.

...Petitioner

Vs.

1. The Chief Engineer,
Office of the Trichy Electricity Distribution Circle,
Thennur, Trichy.
2. The Superintending Engineer,
Office of the Trichy Electricity Distribution Circle,
Trichy.
3. The Executive Engineer,
Operation and Maintenance,
Office of the TANGEDCO,
Thuraiyur, Trichy.



W.P.(MD).No.19854 of 2023

WEB COPY

4. The Assistant Executive Engineer,
Operation and Maintenance,
Office of the TANGEDCO,
Thuraiyur, Trichy.

5. The Assistant Engineer,
Office of the TANGEDCO,
Thuraiyur,
Trichy.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ku.A.No.638/Ne.B.4/O.1/Ko. Ne.Ma/2021-2, dated 04.03.2022 passed by the second respondent and quash the same as illegal, since the second respondent herein dismissed the petitioner illegally and baselessly from his service without given reasonable opportunity and conducting proper enquiry even the impugned order without stated any reason straight away removed petitioner from his service is highly illegal and violated the basic principles of natural justice.

For Petitioner	: Mr.S.Mohamed Ali Jinnah
For Respondents	: Mrs.M.Parameswari Standing Counsel

ORDER

The present Writ Petition has been filed challenging the order dated 04.03.2022, wherein, the writ petitioner was removed from service of Tamil



W.P.(MD).No.19854 of 2023

WEB COPY

Nadu Generation and Distribution Corporation Limited (TANGEDCO) on the ground that he has been convicted in a criminal case.

2. It is an admitted fact that the writ petitioner was convicted by the learned Judicial Magistrate, Thuraiyur in C.C.No.199 of 2018, on 19.08.2021 and sentenced for three months and fine of Rs.1,000/- (Rupees One Thousand only) was imposed. The writ petitioner had filed a criminal appeal in CrI.A.No.49 of 2021 before the learned III Additional District and Sessions Judge, Tiruchirappalli and the same was also dismissed. Thereafter, the writ petitioner has filed the Criminal Revision Petition in CrI.R.C.No.1141 of 2022 before this Court and the same is pending. This Court has granted suspension of sentence.

3. The learned counsel appearing for the writ petitioner had contended that the dispute has nothing to do with his employment and it is only a private dispute with some third parties. The allegations made as against him are civil in nature and therefore, the conviction may not be taken into consideration by the employer. He had further contended that the employer should have awaited for the result of the Criminal Revision Petition in CrI.R.C.No.1141 of



W.P.(MD).No.19854 of 2023

WEB COPY

2022 which is pending before this Court. He further pointed out that the sentence has been suspended by the High Court and therefore, there is no bar for him to be in service in TANGEDCO and he prayed for quashing the order of removal passed on 04.03.2022.

4. Per contra, the learned Standing Counsel appearing for the respondents herein had relied upon the Standing Order No.19 (21) to impress upon the Court that conviction order passed by the Court is to be considered as misconduct and is liable to be removed from service.

5. I have carefully considered the submissions made by the learned counsel on either side.

6 Considering the fact that the conviction of the petitioner continues from 19.08.2021 onwards, the employee cannot be permitted to be in service of TANGEDCO. Therefore, there are no merits in this writ petition. This Writ Petition stands dismissed. However, the petitioner is at liberty to approach the TANGEDCO to cancel the order of removal of his service, based upon the outcome of the orders of this Court in CrI.R.C.No.1141 of 2022. There shall



W.P.(MD).No.19854 of 2023

WEB COPY

be no order as to costs. Consequently connected Miscellaneous Petition is closed.

04.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Chief Engineer,
Office of the Trichy Electricity Distribution Circle,
Thennur, Trichy.
2. The Superintending Engineer,
Office of the Trichy Electricity Distribution Circle,
Trichy.
3. The Executive Engineer,
Operation and Maintenance,
Office of the TANGEDCO,
Thuraiyur, Trichy.
4. The Assistant Executive Engineer,
Operation and Maintenance,
Office of the TANGEDCO,
Thuraiyur, Trichy.
5. The Assistant Engineer,
Office of the TANGEDCO,
Thuraiyur, Trichy.



WEB COPY



W.P.(MD).No.19854 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.19854 of 2023

04.10.2023