



W.P.(MD)No.29076 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.29076 of 2022

M.Surliappan

... Petitioner

Vs.

1.The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni Electricity Distribution Circle,
Theni District, Theni.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni Electricity Distribution Circle,
Theni District, Theni.

3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni Electricity Distribution Circle,
Bodinayakkanur.

4.The Chairman-cum-Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai.

... Respondents



W.P.(MD)No.29076 of 2022

(R4 is *suo motu* impleaded vide order dated 23.12.2022 in W.P(MD).No. 29076 of 2022)

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner in service subject to the outcome of the criminal case pending against him in Cr.No.1/2021, Vigilance and Anti-Corruption, Theni, with all attendant benefits by considering his representation dated 30.06.2022.

For Petitioner : Mr.D.Baskar

For Respondents : Ms.M.Parameshwari

ORDER

This Writ Petition has been filed to direct the respondents to reinstate the petitioner in service subject to the outcome of the criminal case pending against him in Cr.No.1/2021, Vigilance and Anti-Corruption, Theni, with all attendant benefits by considering his representation dated 30.06.2022.



W.P.(MD)No.29076 of 2022

2. On 23.12.2022, while entertaining the present writ petition, this Court has issued a direction to the newly impleaded fourth respondent to file appropriate report whether any procedure is available in the Electricity Act, for taking disciplinary action immediately after registration of a criminal case either under the Prevention of Corruption Act, or any other Penal provision of the Act. In pursuance of the same, the second respondent has filed a counter affidavit and the relevant paragraphs are extracted hereunder:-

5. I respectfully submit that the documents of the case were received from DV & AC/Theni District vide RC.No.269/2021/TANGEDCO/TNI, dated 20.09.2022. Pursuant to the same and after following of the procedures in vogue, Charges were framed vide Memo No.011835/1267/மேல்பா/தேன்/நி.அ/நி.பி/நி.3/கோ.மறை/2022, நாள் 30.11.2022 and the petitioner has acknowledged the above charge memo on 19.12.2022.

6.I respectfully submit that the Government issued the guidelines with regard to simultaneous department disciplinary action against the Government Servants for the same set of charges as in the Criminal cases connected with discharge of their official duty



W.P.(MD)No.29076 of 2022

(including Trap and Arrest case) vide G.O.(Ms).No.66, Human Resource Management (N) Department, dated 06.07.2022 and, accordingly, TANGEDCO has also issued instructions on the procedures to be followed in TANGEDCO vide Memo No.27733/A.17/A.171/2022-1, dated 14.09.2022.

7. I respectfully submit that the petitioner has earlier made a representation dated 30.06.2022 and the same was carefully examined and suitable reply stating that the petitioner representation could not be considered since the DVAC case is pending before the Special Court DVAC was sent vide Memo No. 07562/802/மேபொ/தேனி/நி.அ/நபி/நி.3/கோ.மறை/2022, நாள் 23.12.2022.

3. Today (i.e.,) on 20.01.2023, the learned counsel appearing for the petitioner submits that the petitioner has filed the present writ petition to consider the representation for revocation of the suspension order. During the pendency of the writ petition, the petitioner's representation for revocation of the suspension order was rejected. Hence, liberty may be granted to the petitioner to work out his remedy in the manner known to law.



W.P.(MD)No.29076 of 2022

WEB COPY

4. In view of the submission made by the learned counsel appearing for the petitioner, no further order is required to be passed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

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

20.01.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1.The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni Electricity Distribution Circle,
Theni District, Theni.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni Electricity Distribution Circle,

5/7



W.P.(MD)No.29076 of 2022

Theni District, Theni.

WEB COPY

- 3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni Electricity Distribution Circle,
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- 4.The Chairman-cum-Managing Director,
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WEB COPY



W.P.(MD)No.29076 of 2022

M.DHANDAPANI,J.

ssb

W.P.(MD)No.29076 of 2022

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