



W.P.No.3156 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.3156 of 2020 and
W.M.P.No.3664 of 2020

V.Senthilkumar

... Petitioner

Vs.

Tamil Nadu Transmission Corporation Limited,
General Construction Circle, Coimbatore,
Rep by its Superintending Engineer,
182, Dr.Subburayan Road,
Tatabad, Coimbatore 12.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order dated 07.01.2020 and 08.01.2020 issued by the respondent in Memo No.21/ Ni.Pi1/U2/Ko-Kamukkam/2019-4 and quash the same.

For Petitioner : Ms.E.Pozhil Ilavenil for
Mr.V.Ajoy Khose

For Respondent : Mr.K.Rajkumar, Standing Counsel



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ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorari, to call for the records pertaining to the order dated 07.01.2020 and 08.01.2020 issued by the respondent in Memo No.21/ Ni.Pi1/U2/Ko-Kamukkam/2019-4 issued by the respondent and quash the same.

2. Heard Ms.E.Pozhil Ilavenil, learned counsel for the petitioner and Mr.K.Rajkumar, learned Standing Counsel for the respondent.

3. The petitioner who claims that he has rendered 23 years of long meritorious and unblemished service, had been given a charge memo for furnishing false age certificate. After enquiry, the charges against the petitioner were proved. Thereafter, the petitioner was given the second show cause notice with an idea to impose a major punishment (i.e) removal from service. The petitioner has filed this Writ Petition challenging the second show cause notice by stating that the similarly placed persons who have submitted false educational and age certificate at the time of absorption were originally dismissed and reinstated later by



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modifying the punishment by imposing a minor one.

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4. The learned Standing Counsel for the respondent submitted that issuance of show cause notice does not give rise to any cause of action and it is pre-matured. The attention of this Court was drawn to the judgment of the Hon'ble Supreme Court in the case of ***Union of India and Another Vs. Kunisetty Satyanarayana, reported in 2006 12 SCC 28***, wherein it is held as under :

"14. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of any one. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance."



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5. The petitioner has not suffered any adverse order from the hands of the respondent. He was given a show cause notice just to offer his explanation. Hence at this point, it cannot be said that any of the rights of the petitioner had been violated and that he has got any cause of action.

6. The position of law about the challenge to show cause notice is well settled that it is the nascent stage. Hence, the petitioner is at liberty to offer his explanation for the show cause notice including the submissions now made, before the appropriate authority. Hence, all contentions made by the petitioner including the less serious stand taken in respect of similarly charged persons are left open for the consideration of the authority concerned.

7. With the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking



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To

The Superintending Engineer,
Tamil Nadu Transmission Corporation Limited,
General Construction Circle, Coimbatore,
182, Dr.Subburayan Road,
Tatabad, Coimbatore 12.



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R.N.MANJULA, J.

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