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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	19.12.2023
Pronounced on	10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.9366, 9371 & 9377 of 2023andW.M.P.Nos.9466, 9467, 9472, 9473, 9476 & 9477 of 2023

K.Karuppannan ...Petitioner in W.P.No.9366/2023

A.Marimuthu ...Petitioner in W.P.No.9371/2023

K.C.Ganesan ...Petitioner in W.P.No.9377/2023

Vs.

1.The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
NPKRR Maligai,
144, Anna Salai, Chennai – 600 002.

2.The Chief Engineer (Personnel),
TANGEDCO, NPKRR Maligai,
144, Anna Salai, Chennai – 600 002.

3.The Chief Engineer (Distribution),
TANGEDCO, Erode Zone,
Erode.

4.The Superintending Engineer,
TANGEDCO, Distribution Circle,
Erode.

...Respondents in all WPs



Prayer in W.P.No.9366 of 2023 Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Certiorarified Mandamus, calling for the records of the 4th respondent in Ku.Aa.No.84/251/NI.P/2 (2)/Ko.Oo.Na/2019-11, dated 22.02.2023 and the consequential proceedings in Koo.Aa.No/541/C.239/NI.P II (2) Ko.Oo.Na.246/2023-1, dated 22.02.2023 and quash the same on the ground it has been issued without jurisdiction and being arbitrary in nature and consequently promote the petitioner to the post of Junior Engineer II Grade on the date when his immediate juniors are promoted with all consequential service and monetary benefits.

Prayer in W.P.No.9371 of 2023 Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Certiorarified Mandamus, calling for the records of the 4th respondent in Ku.Aa.No.84/251/NI.P/2 (2)/Ko.Oo.Na/2019-12, dated 22.02.2023 and the consequential proceedings in Koo.Aa.No/541/C.239/NI.P II (2) Ko.Oo.Na.247/2023-2, dated 22.02.2023 and quash the same on the ground it has been issued without jurisdiction and being arbitrary in nature and consequently promote the petitioner to the post of Junior Engineer II Grade on the date when his immediate juniors are promoted with all consequential service and monetary benefits.

Prayer in W.P.No.9377 of 2023 Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Certiorarified Mandamus, calling for the records of the 4th respondent in Ku.Aa.No.84/251/NI.P/2



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(2)/Ko.Oo.Na/2019-10, dated 22.02.2023 and the consequential proceedings in Koo.Aa.No/541/C.239/NI.P II (2) Ko.Oo.Na.245/2023, dated 22.02.2023 and quash the same on the ground it has been issued without jurisdiction and being arbitrary in nature and consequently promote the petitioner to the post of Assistant Executive Engineer on the date when his immediate juniors are promoted with all consequential service and monetary benefits.

(In all WPs)

For Petitioners : Ms.Dakshayani Reddy, Sr. Counsel
for Ms.Suneetha

For Respondents : Mr.K.Rajkumar,
Standing Counsel

COMMON ORDER

Heard Ms.Dakshayani Reddy, learned senior counsel appearing for the petitioners and Mr.K.Rajkumar, learned Standing Counsel appearing for the respondents.

2. On an allegation that the petitioners herein had demanded Rs.3,000/- as bribe for increasing the electricity load for a private godown, for which purpose, they were arrested by the Police, they were placed under suspension, through the proceedings of the 4th respondent dated



30.06.2007. A criminal case was also registered against all the petitioners, which was taken on file as C.C.No.110 of 2008 by the learned Chief Judicial Magistrate, Special Court, Erode. After due trial, all the petitioners were acquitted from their respective criminal charges, through a judgment dated 12.05.2017. In view of the judgment of acquittal, the suspension orders against the petitioners were revoked and they were reinstated back into service, through orders of the 4th respondent dated 13.11.2017. In the meantime, a charge memo dated 06.10.2017 was levelled against all these petitioners for the same set of criminal charges, claiming that their demand of bribe in the year 2007 was a misconduct, as per the Tamil Nadu Electricity Board Standing Orders applicable to the employees under non-clerical works. During the inquiry, the Inquiry Officer had filed a report holding the charges against the petitioners as 'not proved'. Consequently, the 4th respondent herein, through the proceedings dated 28.02.2019, had dropped the disciplinary proceedings against these petitioners. Accordingly, the period of suspension between 29.06.2007 and 15.11.2017 was regulated as 'duty period', through proceedings of the 4th respondent dated 30.04.2019. Thereafter, all the petitioners were granted promotions also.



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3. While that being so, through a charge memo dated 23.06.2020 issued by the 4th respondent, a fresh Inquiry Officer was appointed to conduct an inquiry on the earlier charges levelled against these petitioners, through the charge memo dated 06.10.2017, which was already dropped by the 4th respondent himself. The petitioners had immediately given representations pointing out that the charges, under the earlier charge memo dated 06.10.2017, have already been dropped and therefore sought for cancellation of appointment of the Inquiry Officer. In consideration of the representations, the 4th respondent had cancelled the appointment to the Inquiry Officer, through his proceedings dated 20.07.2020. In this background, the 4th respondent, through his proceedings dated 22.02.2023, had once again framed fresh charges against the petitioners herein for the same delinquency, which were cited as charges in their earlier charge memo dated 06.10.2017. In the said charge memo dated 22.02.2023, 17 documents and 9 witnesses were annexed. On the same day, the 4th respondent had also passed an order, stating that dropping of the earlier charge memo dated 06.10.2017, would be without prejudice to the disciplinary proceedings to be conducted under the present charge memo dated 22.02.2023. These two orders are put under challenge in the present



writ petitions.

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4. The learned senior counsel appearing on behalf of the petitioners submitted that when a charge memo relating to the delinquency of receiving bribe has already been dropped by the 4th respondent, a second charge memo for the very same delinquency cannot be sustained. Even otherwise, the learned senior counsel submitted that the disciplinary proceedings cannot be continued, since the Criminal Court had already acquitted the petitioners herein from the criminal charges, after due trial and on appreciation of evidences before it. This apart, she submitted that there is an inordinate delay in initiation of the disciplinary proceedings and hence, the same is liable to be quashed.

5. Per contra, the learned standing counsel appearing on behalf of the respondents submitted that though the original charge memo dated 06.10.2017 was dropped, the 4th respondent had thereafter passed orders on 22.02.2023, stating that dropping of the charges would be without prejudice to the disciplinary proceedings to be conducted under the present charge memo dated 22.02.2023 and therefore, the 4th respondent is well within his powers in framing the charges. He also submitted that the criminal proceedings, as well as the departmental action, are distinct and



can be simultaneously or separately conducted.

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6. It is not in dispute that the delinquency in the first charge memo dated 06.10.2017 and the present charge memo dated 22.02.2023 are one and the same. It is also not in dispute that the 4th respondent had earlier dropped all the charges under the charge memo dated 06.10.2017, through his proceedings dated 28.02.2019. After dropping of the charges, the suspension period of these petitioners were also regulated as 'duty period' and they were also granted their respective promotions.

7. The Inquiry Officer appointed under the charge memo dated 06.10.2017 had conducted a detailed inquiry and on the basis of the findings rendered therein, had come to the conclusion that all the charges against these petitioners are not proved. Accepting the Inquiry Officer's report, the charges against the petitioners were also dropped by the 4th respondent/ Disciplinary Authority. When the Disciplinary Authority drops the charges, by accepting the Inquiry Officer's report, he becomes *functus officio* and unless and until, the Disciplinary Rules governing the TANGEDCO empowers him to reopen a case that has been dropped, he would have no authority or jurisdiction to once again pass an order, after



3½ years on 22.02.2023, stating that the earlier dropping of the charges would be without prejudice to the inquiry to be conducted under the present charge memo dated 22.02.2023. This Court was not appraised of any such rule or regulation governing the disciplinary proceedings of TANGEDCO with such powers given to a Disciplinary Authority.

8. In the case of **Anant R. Kulkarni Vs. Y.P.Education Society and Others** reported in (2013) 6 SCC 515, the Hon'ble Supreme Court had discussed the facts to be considered in holding a denovo inquiry/second inquiry and as and when a second inquiry is permissible. The relevant portion of the judgment reads as follows:

“31. The conclusion reached by the Division Bench that the Tribunal and the learned Single Judge had found that there was a defect in the manner in which the enquiry was held, and therefore there was no question of it recording a finding on merit to the effect that the charges levelled against the appellant were not proved, is also not sustainable in law. It is always open for the court in such a case, to examine the case on merits as well, and in case the court comes to the conclusion that there was in fact, no substance in the allegations, it may not permit the



employer to hold a fresh enquiry. Such a course may be necessary to save the employee from harassment and humiliation.

32. In the instant case, there is no allegation of misappropriation/embezzlement or any charge which may cast a doubt upon the integrity of the appellant, or further, anything which may indicate even the slightest moral turpitude on the part of the appellant. The charges relate to accounts and to the discharge of his functions as the Headmaster of the school. The appellant has provided satisfactory explanation for each of the allegations levelled against him. Moreover, he has retired in the year 2002. The question of holding any fresh enquiry on such vague charges is, therefore, unwarranted and uncalled for.

33. The Education Officer (Secondary), Zilla Parishad, Solapur, had filed an affidavit before the High Court, wherein it was stated that a dispute had arisen between the trustees, and in view thereof, an enquiry was initiated against the appellant. The respondents terminated the services of the appellant and many other employees, as a large number of cases had been filed against the Management Committee without impleading the State of Maharashtra, though the same was a necessary party, as the school was a government-aided school.



Rules 36 and 37 of the 1981 Rules, which prescribe the procedure of holding an enquiry have been violated. The charges levelled against the appellant were entirely vague, irrelevant and unspecific. As per the statutory rules, the appellant was not allowed to be represented by another employee. Thus, the procedure prescribed under Rule 57(1) of the 1981 Rules stood violated. No charge-sheet containing the statement of allegations was ever served. A summary of the proceedings, along with the statements of the witnesses, as is required under Rule 37(4) of the 1981 Rules, was never forwarded to the appellant. He was not given an opportunity to explain himself, and no charge was proved with the aid of any documentary evidence. There existed no charge against the appellant regarding his integrity, embezzlement or misappropriation. Therefore, the question of misappropriation of Rs 4900 in respect of a telephone bill remained entirely irrelevant. Furthermore, the same was not a charge of misappropriation. The learned Single Judge has also agreed with the same. The Division Bench though also in agreement, has given liberty to the respondents to hold a fresh enquiry.

34. We may add that the Court has not been apprised of any rule that may confer any statutory



power on the management to hold a fresh enquiry after the retirement of an employee. In the absence of any such authority, the Division Bench has erred in creating a post-retirement forum that may not be permissible under law.

35. In the light of the facts and circumstances of the case, none of the charges are specific and precise. The charges have not been accompanied by any statement of allegations, or any details thereof. It is not, therefore, permissible for the respondents to hold an enquiry on such charges. Moreover, it is a settled legal proposition that a departmental enquiry can be quashed on the ground of delay provided the charges are not very grave.

36. In the facts and circumstances of the case, as the Tribunal as well as the learned Single Judge have examined all the charges on merit and also found that the enquiry has not been conducted as per the 1981 Rules, it was not the cause of the Management Committee which had been prejudiced, rather it had been the other way around. In such a fact situation, it was not necessary for the Division Bench to permit the respondents to hold a fresh enquiry on the said charges and that too, after more than a decade of the retirement of the appellant.

37. In view of the above, the appeal succeeds



and is allowed. The impugned judgment and order [Y.P. Education Society v. Anant R. Kulkarni, LPA No. 171 of 2011 in WP No. 1849 of 2003, decided on 4-10-2011 (Bom)] of the High Court is modified to the extent referred to hereinabove. The appellant shall be entitled to recover all his salary and retirement dues, if not paid already. No costs.”

9. Apart from the aforesaid decision, it would be relevant to mention here that after an Inquiry Officer submits his report, holding the charges as 'not proved' and the disciplinary authority is of the view that the report requires re-consideration, he would be well within his powers at that point of time to deviate from the findings of the Inquiry Officer and call for explanations from the delinquent officer, as to why the Disciplinary Authority should not deviate from the findings, for which purpose, he requires to also give details about the reasons for such deviation. Having failed to exercise this option, when the Inquiry Officer had originally found the charges as 'not proved' under the charge memo dated 06.10.2017, it is not now open to the Disciplinary Authority to frame fresh charges for the same delinquency. Such a procedure is not only impermissible in the absence of any rule or regulation, but is also



illegal.

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10. The second ground raised by the learned senior counsel for the petitioner is that, in view of the honorable acquittal of the petitioners from the criminal charges, the disciplinary proceedings for the same set of charges cannot be sustained.

11. It is a settled proposition of law that for the same set of charges, both the departmental enquiry, as well as the criminal proceedings, can be conducted parallelly. The reasoning behind this legal ratio is that when a trial for a criminal offence is conducted, it should be in accordance with the proof of the offence as per the evidence defined under the provisions of the Evidence Act. Converse is the case of a departmental enquiry, where the preponderance of probabilities that a delinquent could have committed a misconduct would be sufficient to hold the charges as proved. However, when the charges in both the criminal case, as well as in the departmental enquiry, are one and the same and the witnesses and other documentary evidences in the criminal case and the departmental enquiry are one and the same and the Criminal Court acquits the employee after due consideration of the evidences put forth against him in a regular trial,



an exception is made for continuance of the departmental enquiry, after the judgment of acquittal. This ratio has been laid down in several decisions, including the decision of the Hon'ble Supreme Court in the case of ***G.M.Tank Vs. State of Gujarat & Another*** reported in (2006) 5 SCC 446. The relevant portion of the judgment reads as follows:-

“30..... The nature of the case launched against the appellant on the basis of evidence and material collected against him during enquiry and investigation and as reflected in the charge-sheet, factors mentioned are one and the same. In other words, charges, evidence, witnesses and circumstances are one and the same. In the present case, criminal and departmental proceedings have already noticed or granted on the same set of facts, namely, raid conducted at the appellant's residence, recovery of articles therefrom. The Investigating Officer Mr V.B. Raval and other departmental witnesses were the only witnesses examined by the enquiry officer who by relying upon their statement came to the conclusion that the charges were established against the appellant. The same witnesses were examined in the criminal case and the criminal court on the examination came to the conclusion that the prosecution has not proved the guilt alleged



against the appellant beyond any reasonable doubt and acquitted the appellant by its judicial pronouncement with the finding that the charge has not been proved. It is also to be noticed that the judicial pronouncement was made after a regular trial and on hot contest. Under these circumstances, it would be unjust and unfair and rather oppressive to allow the findings recorded in the departmental proceedings to stand.”

12. Likewise, an Hon'ble Division Bench of this Court, in the case of ***P.Ramasamy Vs. Government of Tamil Nadu*** reported in ***(2006) 1 MLJ 146***, had also taken a similar view that, departmental enquiry cannot be proceeded with when the delinquent has been honorably acquitted on the same set of charges and evidences by the Criminal Court. Following the decision of the Hon'ble Division Bench, this Court had an occasion to consider these similar grounds in the case of ***K.P.Krishnamoorthy Vs. The District Collector, Trichy and others passed in W.P.(MD) No.16001 of 2018*** and in its order dated 07.01.2020, it was held that when the Criminal Court has acquitted the delinquent on the merits of the case, the departmental enquiry cannot be proceeded with. The relevant portion of the order reads as follows:-



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“10. Apart from the aforesaid discussions, it is also seen that the criminal case initiated by the police against the petitioner herein, had ended in acquittal, through the judgment dated 28.03.2017 passed in Special Case No.12 of 2011 by the Special Court of Vigilance and Anti Corruption, Trichy. In the said decision, the Special Court had found that there was a previous enmity between the complainant and the petitioner herein and therefore the complaint itself could have been motivated. The fifth respondent in his Counter affidavit had taken a stand that the Directorate of Vigilance and Anti Corruption was of the view that the order of acquittal was not a fit case to be challenged in an appeal. Thus the judgment passed by the criminal Court had become final.

11. The reading of the judgment of the criminal court would reveal that the order itself has been passed after appreciation of the evidences, both oral and documentary. When the criminal Court has passed a judgment of acquittal based on the merits of the case, the subsequent continuation of the departmental proceedings would be impermissible in view of the decisions of this Court.

*12. In the case of **S. Chinnadurai Vs. the***



Deputy Inspector General of Police, Trichy Range, Trichy city and others passed on 28.03.2018 in W.P.No.34799 of 2013 and W.P.No.27463 of 2016, the learned single Judge of this Court had relied on the decision of the Division Bench of this Court and held that the departmental action on the same set of charges as that of the criminal case is not permissible. Relevant portion of the order reads as follows:

“14. The learned counsel for the petitioner would also rely on the decision passed by the learned Division Bench of this Court in the case of P.Ramasamy Vs. Government of Tamil Nadu, reported in (2006) 1 MLJ 146. He would draw the attention of this Court to paragraph Nos.4 and 5 of the order of the learned Division Bench which dealt with the cases of similar circumstances, are reproduced hereunder:-

"4. Coming to the order of the Tribunal, though counsel appearing for the petitioner did not appear at the time when the case was taken up by the Tribunal, but the perusal of the Original Application shows that the petitioner/applicant has specifically referred to the judgment of the Sessions Court dated 2-11-95 acquitting him stating that the charges have not been proved beyond reasonable doubt. In such a circumstance, it is but proper on the part of the Tribunal to consider the same while passing the order in the Original Application. Instead, the Tribunal having gone into the enquiry proceedings, confirmed the order of the Original Authority without making any reference as to the



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pronouncement of judgment by the Sessions Court in favour of the petitioner/accused. Inasmuch as the charges both in the departmental enquiry and in the criminal case are one and the same, and the Criminal Court acquitted the accused on merits, we are of the view that the disciplinary authority and the Tribunal ought to have focussed their attention to the verdict of the criminal court and considered the same before passing the order. As a matter of fact, the Tamil Nadu Police Standing Orders and the instructions by the Government make it clear that if the charge in the departmental enquiry and the criminal case are identical, the dismissal of the criminal case acquitting the accused on merits is to be considered by the department before proceeding further. We are satisfied that inasmuch as the charge in the departmental enquiry and the grounds leading to the prosecution of the accused is on the same set of facts and in view of the fact that the criminal case ended in honourable acquittal on merits even as early as on 2-11-95, the disciplinary authority and the Tribunal ought to have considered the same before proceeding further. We are satisfied that the petitioner has made out a case for interference.

5. In the light of what is stated above, the impugned order of the Tribunal and all the orders of the respondents 3 and 5 are quashed. The Writ Petition is allowed. No costs."

The learned Division Bench had quashed the proceedings pending before the disciplinary Tribunal on the basis of the acquittal by the Criminal Court of the delinquent Officer therein. This Court no doubt finds that the observations made by the learned Division Bench of this Court extracted supra, squarely covers the



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issues presented in these cases.

15. As stated above that once the Criminal Court has given a clear acquittal on merits to the accused viz., the petitioner herein, it is not open to the department to proceed with the same set of charges, be that the departmental charges and take departmental action. Such action of the department will not be in the interest of good administration continuing the departmental action in the above said circumstances of the case is per se cannot be justified and countenanced.

16. This Court is conscious of the fact that the disciplinary action is not to be trifled with during its pendency. However, as far as the present case on hand is concerned that the Criminal Court has given a clear finding of innocence of the petitioner's involvement in the charges framed against him. It is therefore not just and proper for the departmental action to continue and proceed against the petitioner. Therefore, this Court finds that the petitioner has made out a clear case for interfering with the departmental proceedings pending against him.”

13. Further, when it is stated that the witnesses in the criminal case and in the departmental enquiry are one and the same, this Court is unable to comprehend as to how any other contradictory view can be elucidated during the course of the departmental enquiry from the same witnesses, who have already deposed before the criminal Court, when the acquittal order has been passed based on



such statements. Hence, it would not be proper to permit the departmental action to continue as against the petitioner.”

13. In the instant case, most of the witnesses and the documents produced before the Criminal Court are also sought to be produced in the inquiry under the charge memo dated 22.02.2023. The Criminal Court, after a thorough trial, had acquitted the petitioners from the criminal charges, by holding that the prosecution had failed to prove the charges levelled against the petitioners. The charges in the charge memo dated 06.10.2017 relate to a delinquency of demand of bribe by the petitioners herein on 31.05.2007, which are also the same charges against the petitioners by the Criminal Court. Since the charges, as well as the oral and documentary evidences, which were contemplated to be produced before the Criminal Court, are one and the same, by applying the principles laid down in the aforesaid decisions, the further proceedings, pursuant to the charge memo, cannot be initiated, in view of the honorable acquittal of the petitioners from the criminal charges.

14. The learned senior counsel for the petitioners also took a ground



that there is an inordinate delay in framing the charges. As stated above, the delinquency had occurred on 31.05.2007, for which the charges came to be framed, after 16 years, on 22.02.2023. When there is no legal impediment for TANGEDCO to simultaneously frame charges against the petitioners herein, without reference to the criminal proceedings, I am unable to comprehend as to why the Disciplinary Authority had chosen to wait for 16 long years to await the final outcome of the criminal case and thereafter frame charges against the petitioners, after an inordinate delay of 16 years.

15. It is needless to point out that by framing of the present charges, the petitioners would be deprived of all the regular service benefits, which they would be otherwise entitled to and thereby serious prejudice would be caused to them, if the departmental proceedings are allowed to be continued. In view of the prejudice, the charge memo is also liable to be quashed, on the ground of inordinate delay in framing of the charges. This legal proposition has already come up for consideration in several decisions of the Hon'ble Supreme Court, as well as this Court, which are extracted below:-

“1. In the case of *State of Madhya Pradesh Vs.*



Bani Singh and another reported in 1990 (Supp) SCC 738, the Supreme Court had come down heavily against the laches on the part of the employer in conducting departmental enquiry and after finding out that there was no satisfactory explanation for the inordinate delay, held that it would be unfair to order departmental enquiry to proceed further.

2. In the case of ***State of A.P., Vs. N.Radhakrishnan reported in 1998 (4) SCC 154***, the Supreme Court, at Paragraph 19, held as follows:

"Normally, disciplinary proceedings should be allowed to take its course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting disciplinary proceedings. Ultimately, the Court is to balance these two diverse considerations."

3. In the case of ***Union of India Vs. CAT reported in 2005 (2) CTC 169***, this Court held that,

"The delay remains totally unexplained. Therefore, we have no hesitation at all in concluding that the ground of inordinate delay in proceeding with the departmental enquiry as referred to above by us, would come in the way of the Govt., to continue with the enquiry any further....."



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4. In the case of ***P.V.Mahadevan v. M.D. Tamil Nadu Housing Board*** reported in 2005 (4) CTC 403, this Court after referring to various decisions, held that,

"The protracted disciplinary enquiry against a government employee should, therefore be avoided not only in the interest of the government employee but in public interests and also in the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by department in the procedure for initiating the disciplinary proceedings, the appellant should not be made to suffer.

15. We therefore, have no hesitation to quash the charge issued against the appellant. The appeal is allowed. The appellant will be entitled to all the retiral benefits in accordance with law. The retiral benefits shall be disbursed within three months from this date. No cost."

5. In the case of ***The Special Commissioner and Commissioner of Commercial Taxes, Chepauk Vs. N.Sivasamy*** reported in 2005 (5) CTC 451, the Hon'ble Division Bench of this Court held as follows:-



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"Though the alleged lapse occurred in the year 1995 and certain charges related to the period 1993-94, the charge memo was issued on 15.07.1997 and served on 23.07.1997, just 7 days before the date of retirement. The contention of the appellant that only with a view to cause hardship, agony and anguish, the charge memo was issued cannot be ignored..... We have already pointed out that though the applicant failed Original Application No.6284/97, challenging the charge memo, dated 15.07.1997, admittedly, no stay was granted. Despite the above fact that the department had not proceeded with the disciplinary proceedings, there is an inordinate and unexplained delay on the part of the department. According to the applicant, he is 67 years of age as on the date and had rendered 38 years of service in the department. He had undergone sufferings from mental worry, agony, anguish and hardship for all these years. We are satisfied that there is no need to pursue the charge memo, dated 15.07.1997."

6. In yet another decision in ***R.Tirupathy and others Vs. the District Collector, Madurai District and others reported in 2006 (2) CTC 574***, this Court was pleased to quash the charge memo, dated 02.02.2005 on the ground that the charges relate to purchase of uniforms during the year 1994-95 and 1995-96 and the inordinate delay on the part of the department in issuing a charge memo was not properly explained.



7. The Hon'ble Supreme Court, in the case of ***M.V.Bijlani Vs. Union of India and other reported in 2006 (5) SCC 88***, quashed the order of removal from service, confirmed by the appellate authority on various grounds particularly, on the ground that initiation of disciplinary proceedings after six years and continuance thereof, for a period of seven years prejudiced the delinquent officer.

8. In the case of ***M.Elangovan Vs. The Trichy District Central Co-operative Bank Ltd., reported in 2006 (2) CTC 635***, this Court, while quashing the second show cause notice on the ground of inordinate and unexplained delay in initiating and completing the disciplinary proceedings, allowed the Writ Petitions holding that the petitioners therein were entitled to all the benefits in accordance with law. The same view has been expressed by this Court in yet another decision in *Parameswaran v. State of Tamil Nadu* reported in 2006 (1) CTC 476.”

16. For all the foregoing reasons, the impugned proceedings passed by the 4th respondent dated 22.02.2023 are quashed. Consequently, there shall be a direction to the respondents herein to pass appropriate orders,



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granting promotions to the posts to which the petitioners may be entitled to, from the date on which their immediate juniors were promoted, together with all service and monetary benefits, that may have been deprived to the petitioners, in view of the pendency of the impugned proceedings dated 22.02.2023, within a period of four (4) weeks from the date of receipt of a copy of this order.

17. In the result, all the Writ Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2024

Index:Yes
Neutral Citation:Yes
Speaking order
hvk



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To
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- 1.The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO),
NPKRR Maligai,
144, Anna Salai, Chennai – 600 002.
- 2.The Chief Engineer (Personnel),
TANGEDCO, NPKRR Maligai,
144, Anna Salai, Chennai – 600 002.
- 3.The Chief Engineer (Distribution),
TANGEDCO, Erode Zone,
Erode.
- 4.The Superintending Engineer,
TANGEDCO, Distribution Circle,
Erode.



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W.P.Nos.9366, 9371 & 9377 of 2023

M.S.RAMESH,J.

hvk

**ORDER MADE IN
W.P.Nos.9366, 9371 & 9377 of 2023**

10.04.2024