



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

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CORAM:

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.16358 & 16363 of 2021

and W.M.P.Nos.17331, 17333, 17339 & 17340 of 2021

P.Ayyapparaj ... Petitioner in W.P.No.16358 of 2021

S.Rajendraprasad ... Petitioner in W.P.No.16363 of 2021

Vs

1.The Chairman cum Managing Director,
Tamil Nadu Generation & Distribution Corporation Ltd.,
No.144, Annasalai, Chennai.

2.The Chief Financial Controller (Revenue),
Tamil Nadu Generation & Distribution Corporation Ltd.,
No.144, Annasalai, Chennai.

3.The Deputy Financial Controller,
Udumalaipet Electricity Distribution circle,
Udumalaipet, Tiruppur District.

4.The Superintending Engineer,
Udumalaipet Electricity Distribution circle,
Udumalaipet, Tiruppur District.

5.S.Santhi

6.S.Gnanavel

... Respondents in both W.Ps.

PRAYER in W.P.No.16358 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for records relating to the impugned charge memo issued by the 1st respondent in his



proceedings in Memo No.29031/A5/A52/2017-2 dated 27.09.2017 and his consequent impugned proceedings in Memo No.29031/A5/A52/2017-30 dated 27.09.2020 and quash the same.

PRAYER in W.P.No.16358 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for records relating to the impugned charge memo issued by the 1st respondent in his proceedings in Memo No.29031/A5/A52/2017-3 dated 27.09.2017 and his consequent impugned proceedings in Memo No.29031/A5/A52/2017-31 dated 27.09.2020 and quash the same.

In both W.Ps.

For Petitioner : Mr.R.Murali Krishnan

For Respondents : Mr.K.Rajkumar
Standing Counsel for TANGEDCO

COMMON ORDER

These two Writ Petitions have been filed by the two different employees of the respondent Corporation challenging the charge memo issued to them and also the impugned memo whereby, the disciplinary authority disagreed with the findings arrived at by the respective enquiry officer and required the petitioners to submit their explanation on the reasons furnished for such disagreement. After filing of these two Writ Petitions, further proceedings have been conducted and they have reached the stage of issuing final show cause notice proposing to impose the punishment on the



petitioners vide Memorandum No.29031/A5/A52/2017-38, dated 15.02.2024 in the case of the petitioner in W.P.No.16358 of 2021 and Memorandum No.29301/A5/A52/2017-39, dated 15.02.2024 in the case of the petitioner in W.P.No.16363 of 2021.

2. In response to the said final show cause notices, the petitioners claim to have submitted their explanations by placing reliance on a decision of this Court in W.P.No.4876 of 2016 filed by the consumers concerned in respect of the same transaction, based upon which the petitioners were subject to disciplinary proceedings. According to the learned counsel for the petitioners, the very charges cannot stand in view of the findings recorded by this Court in the above said Writ Petition by order dated 31.03.2023.

3. According to the learned counsel for the petitioners, the same stand has already been taken by the petitioners in their explanations submitted in response to the final show cause notice dated 15.02.2024. But, expressed a doubt that the respondent disciplinary authority may not consider the decision of this Court while considering the explanation submitted by the petitioners.



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4. As the Writ Petitions have been filed challenging the charge memo and the notice of disagreement with the findings recoded by the enquiry officer, and further proceedings have already been proceeded with and reached the stage of issuance of final show cause notice, this court is not inclined to interfere with the charge memo at this stage and is of the considered view that it would be appropriate that the respondents be permitted to take a final decision on the charges framed against the petitioners.

5. However, considering the apprehension raised by the learned counsel for the petitioners, this Court is inclined to issue certain directions to the first respondent. Accordingly, these Writ Petitions are disposed of with the following directions:-

(i) The first respondent is directed to consider the explanations submitted by the petitioners in response to the final show cause notice dated 15.02.2024 and the materials submitted along with the said explanation including the order dated 31.03.2023 passed by this Court in W.P.No.4876 of 2016 and then shall take a final decision in the matter.



(ii) The first respondent is further directed to afford an opportunity of personal hearing to the petitioners before taking any final decision pursuant to the final show cause notice dated 15.02.2024.

(iii) further the petitioners are granted liberty to submit any additional explanation, if they so desire within a period of two weeks from the date of receipt of a copy of this order and the first respondent shall also consider the same. If the petitioners submit any such additional explanation, the first respondent shall take into consideration the said additional explanation as well, during the course of personal hearing and pass appropriate orders in accordance with the law.

(iv) The first respondent is further directed to pass final order as directed above as expeditiously as possible at any rate within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, these Writ Petitions are disposed of and all the contentions and grounds raised in these Writ Petitions are left open to be agitated in future required need to be. No costs. Consequently, connected miscellaneous petitions are closed.

26.04.2024

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Index : Yes/No
Speaking order : Yes/No

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MUMMINENI SUDHEER KUMAR, J.

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