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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.22824 of 2024
W.P.Nos.24867 & 24868 of 2024

W.Jayaseelan

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Generaion and Distribution Corporation Ltd., (TANGEDCO)
No.144, Anna Salai,
Chennai – 02.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Generaion and Distribution Corporation Ltd., (TANGEDCO)
No.144, Anna Salai,
Chennai – 02.
- 3.The Chief Engineer (Distribution),
Chennai Region (North)
Tamil Nadu Generaion and Distribution Corporation Ltd., (TANGEDCO)
No.144, Anna Salai,
Chennai – 02.
- 4.The Enquiry Officer/Executive Engineer (O & M)
Chennai Electricity Distribution Circle (West)
Avadi, Chennai – 54.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records of the 3rd respondent in connection with the impugned charge memo issued by him in Memo No.009008/457/Adm.O/B.Sec/B.2/2008 dated 30.10.2008 and to quash the same and to grant all consequential service and monetary benefits including promotion on par with his junior.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.David Sunder
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned charge memo issued by the 3rd respondent in Memo No.009008/457/Adm.O/B.Sec/B.2/2008 dated 30.10.2008.

2.Heard Mr.S.Sivakumar, learned counsel appearing on behalf of the petitioner and Mr.David Sunder, learned Standing Counsel appearing on behalf of respondents.



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3.The facts of this case and the issue that is involved was discussed in detail by this Court while passing the earlier order in W.P.No.29837 of 2008 and W.P.No.15842 of 2018 by order dated 27.10.2021. Hence, it is not necessary to once again go through this process.

4.The short ground on which the present writ petition has been filed is that this Court had fixed two months time for completing the disciplinary proceedings and whereas, the time has lapsed and the disciplinary proceedings have not been completed. Therefore, according to the petitioner, the charge memo has to abate and consequently, the charge memo must stand quashed.

5.In the considered view of this Court, considering the seriousness of the charges framed against the petitioner and also the previous order passed by this Court on 27.10.2021 and also taking into consideration the final judgment that has been passed in C.C.No.11 of 2011, dated 30.04.2024, wherein, the petitioner was acquitted from all charges, this Court is inclined to extend the time for completion of the disciplinary proceedings for a period of three months.



The 3rd respondent shall proceed further with the disciplinary proceedings and shall complete the proceedings, within a period of three months from the date of receipt of copy of this order. If the proceedings are not completed within a period of three months, it is made clear that the charge memo shall automatically stand abated. This direction is issued with a caveat that the petitioner will co-operate for the completion of the proceedings and the delay in the completion of the disciplinary proceedings shall not be on account of the petitioner's attitude.

6.This writ petition is disposed of with the above directions. No Costs.
Consequently, connected miscellaneous petitions are closed.

12.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



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N. ANAND VENKATESH, J.

ssr

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