



WP(MD) No.12133 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.12133 of 2024

and

W.M.P(MD)Nos.10772 & 10773 of 2024

P.Murugan

... Petitioner

Vs.

1.The Chief Engineer

Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),

Madurai Electricity Distribution Circle / Region,
K.Pudur,
Madurai - 625 020.

2.The Superintending Engineer

(TANGEDCO),
Madurai Electricity Distribution Circle / Metro,
K.Pudur,
Madurai - 625 007.



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3.The Executive Engineer

TANGEDCO,
Madurai Metro For South,
Subramaniyapuram,
Madurai - 625 001.

4.The Assistant Executive Engineer,

TANGEDCO,
Theppam,
Madurai Metro,
Madurai - 625 009.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Charge Memo issued by the 2nd respondent in KU.No.151-2-1/NI-A/NI-PI2/U4/KO-MA-PO/2024 dated 20.05.2024 and quash the same as illegal and consequently direct the respondents to allow the petitioner to retire on superannuation on 30.06.2024 with all attendant monetary retirement benefits to be paid.



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For Petitioner : Mr.A.K.Amaravel Pandiyan

For Respondents : B.Ramanathan

ORDER

The petitioner has filed this writ petition seeking for a Writ of Certiorarified Mandamus to quash the impugned Charge Memo issued by the 2nd respondent in KU. No.151-2-1/NI-A/NI-PI2/U4/KO-MA-PO/2024 dated 20.05.2024 and consequently, direct the respondents to allow the petitioner to retire on superannuation on 30.06.2024 with all attendant monetary retirement benefits to be paid.

2. Heard Mr.A.K.Amaravel Pandiyan, learned counsel for the petitioner and Mr.B.Ramanathan, learned counsel appearing for the respondents.



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3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner is working as Assistant Engineer and he is going to reach his age of superannuation on 30.06.2024 and he has been issued with a charge memo stating that he has issued orders to give electricity connection for those buildings which did not produce the completion certificate. He has given electricity service connections to certain buildings under construction. Even before getting the completion certificate, the petitioner has transferred the tariff to regular tariff. The allegation against the petitioner pertains to the year 2022 to 2024 i.e., from 28.03.2022 to 18.03.2024.

5. The petitioner attracts the attention of this Court to G.O.(Ms)No.144 Personnel and Administrative (N) Department, dated 08.06.2007 and claims that suspension should not have been



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issued at the verge of retirement of a Government servant. Even though the petitioner works under the second respondent, the service conditions are also governed under the Government Orders issued every now and then.

6. It is needless to state that as per G.O.(Ms)No.144, dated 08.06.2007, no person shall be kept under suspension at the verge of his retirement and any charges contemplated to be framed and disciplinary action ought to have been completed before three months of his retirement.

7. In the instant case, the petitioner has been issued with a charge memo stating that he has changed the tariff to the regular buildings even before getting the completion certificate. As stated already the period pertains to the year 2022 to 2024. The starting date is 22.03.2022 to 18.03.2024. The action of the petitioner caused revenue loss to the respondents. The petitioner has also



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reached the age of superannuation, I feel that it is appropriate to allow the petitioner to retire, however, subject to the disciplinary proceedings on the charges now raised without withholding the retirement benefits of the petitioner. But prior to that, to save the interest of the petitioner, the respondents are expected to work out the approximate loss and furnish the details to the petitioner and deduct the same until the enquiry in the charges and the disciplinary proceedings now contemplated, is completed.

8. Since the charges also include certain lapses which are said to have come to the knowledge of the respondents within three months from the date of superannuation, I feel that all the charges shall be enquired together and final orders be passed within two weeks after giving opportunity to the petitioner and allowing the petitioner to retire with the condition as stated above.



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9. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.06.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM

Note : Issue order copy on 28.06.2024



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To

- 1.The State of Tamil Nadu
Rep. by its Secretary,
Revenue and Disaster Management Department,
Services Wing, Ser.2(1) Section,
Fort St. George,
Chennai - 9.
- 2.The Additional Chief Secretary / Commissioner of
Revenue Administration,
Revenue Administration and Disaster Management Department,
Ezhilagam,
Chepauk,
Chennai - 600005.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.12133 of 2024

Dated:
10.06.2024