



W.P.(MD).No.12880 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12880 of 2024
and
W.M.P.(MD).No.11460 of 2024

M.Kannan

...Petitioner

Vs

- 1.The Chairman cum Managing Director,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
N.P.K.R.R.Maligai,
Chennai – 600 002.
- 2.The Chief Engineer (Personal),
Tamil Nadu Electricity Board,
No.144, Anna Salai,
N.P.K.R.R. Maligai,
Chennai – 600 002.
- 3.The Chief Engineer (Distribution),
TANGEDCO,
Tirunelveli Region,
Maharaja Nagar,
Tirunelveli – 627 011.



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4.The Enquiry Officer/Executive Engineer (General),
TANGEDCO/TNEB,
Central Office, Thoothukudi,
Thoothukudi Electricity Distribution Circle,
Thoothukudi.

...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 Memo No.005543/381/Adm/C.1/F.DP/2024-1 dated 24.05.2024 issued by the third respondent and quash the same as *ultravires* and consequently directing the third and fourth respondents to keep the disciplinary proceedings against the petitioner in abeyance till the completion of trial in criminal case against the petitioner in Spl.Case No.1 of 2021 on the file of the Special Court for Prevention of Corruption Act Cases, Tirunelveli in the light of the Judgment in ***State Bank of India – Vs – Neelam*** Nag reported in (2016) **9 SCC 491**.

For Petitioner : Mr.P.Subbiah

For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

Heard Mr.P.Subbiah, learned Counsel for the petitioner and Mr.S.Arivalagan, learned Standing Counsel for the respondents.



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2. This Writ Petition has been filed seeking to quash the order of the third respondent dated 24.05.2024 and consequently, to direct the third and fourth respondents to keep the disciplinary proceedings against the petitioner in abeyance till the completion of trial in criminal case against the petitioner in Spl.Case No.1 of 2021 on the file of the Special Court for Prevention of Corruption Act Cases, Tirunelveli, in the light of the Judgment in *State Bank of India – Vs – Neelam* Nag reported in **(2016) 9 SCC 491**.

3. Earlier, the petitioner has also filed a Writ Petition in W.P.(MD).No.10004 of 2024 seeking for direction against the respondents 3 and 4 to keep the disciplinary proceedings as against the petitioner in abeyance till the completion of trial in criminal case against the petitioner in Spl.Case No.1 of 2021 on the file of the Special Court for Prevention of Corruption Act Cases, Tirunelveli in the light of the Judgment in *State Bank of India – Vs – Neelam* Nag reported in **(2016) 9 SCC 491**.

3. However, this Court has found it fit for passing the following order in the said Writ Petition and the relevant portion of the order dated



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26.04.2023 passed in W.P.(MD).No.10004 of 2024 is extracted

WEB COPY hereunder:

“9. In such case, it is better for the petitioner to co-operate for the disciplinary enquiry and participate in the disciplinary enquiry irrespective of the fact of pending criminal case. If the petitioner is so aggrieved upon the disciplinary proceedings at any stage of the same, it is open to the petitioner to make a representation to that effect to the respondents to consider and pass appropriate orders.

10. With the above observations, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.”

4. Now, the petitioner has given another representation to the third respondent to stop the proceedings and keep it abeyance until the criminal proceedings are over. Pursuant to the representation, the impugned order has been passed by directing the petitioner to co-operate and participate in the disciplinary enquiry in compliance of the earlier orders passed by this Court in W.P.(MD)Nos.10136 of 2023 and 10004 of 2024.



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5. When the petitioner approached this Court, this Court itself has directed the petitioner to participate in the disciplinary enquiry without expecting any withholding of the disciplinary proceedings till the outcome of the criminal proceedings and hence, the petitioner ought to have obeyed the orders and participated in the enquiry.

6. If the petitioner is not satisfied with the earlier order passed in the Writ Petition by directing him to co-operate with the enquiry by making his participation, at least, he ought to have challenged the order passed in the Writ Petition. The petitioner has neither chosen to challenge the order of this Court nor chosen to participate in the disciplinary proceedings and give his cooperation. But on the other hand, he has misconstrued the import of the observation made in the order dated 24.04.2024, wherein it is observed that if the petitioner is aggrieved upon the disciplinary proceedings at any stage, he has a liberty to make representation before the respondents. But the petitioner cannot re-agitate the very same issue by way of filing a Writ Petition and the petitioner cannot expect his authorities to act differently other than the orders passed by this Court and a different order from them is in complete violation of earlier orders of this Court.



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WEB COPY 7. In view of the above stated reasons, this Writ Petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

1.The Secretary,
The Tamil Nadu Public Service Commission,
TNPSC Road,
V.O.C.Nagar, Park Town,
Chennai - 3.

2.The Controller of the Examination,
Tamilnadu Public Service Commission,
VOC Nagar, Park Town,
Chennai – 600 003.



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R.N.MANJULA, J.

Nsr

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