



WP(MD). No.15240 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 10.07.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

**WP(MD). No.15240 of 2024
and WMP(MD) Nos.13353 and 13354 of 2024**

Suganya. D

... Petitioner

Vs

1. The Chief Engineer Distribution
Tangedco, Tamilnadu Electricity Board, Thennur, Trichy..
2. The Superintending Engineer,
Thanjavur Electricity Distribution Circle,
Thanjavur District.
3. The Executive Engineer,
Operation and Maintenance,
Tangedco, Pattukkottai..
4. The Assistant Executive Engineer
Operation and Maintenance,
Tangedco, Peravurani.
5. The Enquiry Officer,
Executive Engineer,
Operation and Maintenance,
Tangedco, Orathanadu..

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of issue a Writ of Certiorarified



WP(MD). No.15240 of 2024

Mandamus, to call for the Certiorarified Mandamus, to call for the records pertaining to the impugned Second Show-cause notice in Ku.Aa.No.011818/505/Ni.Pi.Pi/Pi.2/Ko.Oo.Na/2022-4, dated 27.05.2024 on the file of the Respondent No.1 and the Enquiry Report dated 30.04.2024 as annexed along with the Second Show-cause notice and quash the same as illegal and consequently to direct the Respondents to conduct a De-novo enquiry on the charged memo in Ku.Aa.No. 011818/505/Ni.Pi.Pi.2 / Ko.Oo.Na / 2020, dated 07.01.2021 on the file of the Respondent No.1 within the time stipulated time fixed by this Court.

For Petitioner : Mr.S.Louis
For R1 & R2 : Mr.B.Ramanathan

ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner has filed this writ petition challenging the show-cause notice of the 1st respondent dated 27.05.2024 and the enquiry report dated 30.04.2024 as annexed along with the second show-cause



WP(MD). No.15240 of 2024

notice and consequently to direct the respondents to conduct a De-novo enquiry on the charge memo dated 07.01.2021 on the file of the respondent No.1.

4. The petitioner, who was working as an Assistant Executive Engineer in the respondent Department. For certain alleged misappropriation of funds and other allegations, she was issued with a charge memo on 07.01.2021, but, however, parallelly a fact finding authority has also initiated its action and the enquiry officer, who was appointed for fact finding, has submitted his report on 30.04.2024. Subsequent to that the petitioner has been issued with another show cause notice on 27.05.2024 by attaching the report of the enquiry officer.

5. If the respondent corporation feels that the fact finding enquiry needs to be made, it ought to have been made even before the charge memo is furnished to the petitioner. Once the charge memo is furnished, the disciplinary authority, after getting explanation, if any, from the petitioner, shall proceed with the enquiry. However, for the reasons best known to the respondents, the respondents had conducted a fact finding



WP(MD). No.15240 of 2024

enquiry and a copy of the fact finding report has also been served upon the petitioner and she has been given with another notice dated 27.05.2024 for submitting her objections, if any.

6. Since the petitioner had given the notice dated 27.05.2024, the petitioner appeared to have presumed that the said notice is a kind of notice, which is given subsequent to the completion of the disciplinary enquiry. In fact, it is a notice given to the petitioner in order to invite her objections, if any to the parallel enquiry conducted for finding out the facts.

7. It is up to the petitioner to make her objections to the report of the fact finding authority. Since the impugned show cause notice has not been issued, after concluding the disciplinary action, I do not find any necessity to set aside the same.

8. In fact, the impugned notice only confers double benefit on the petitioner to make any additional submissions after the fact finding enquiry report has been submitted. Since the enquiry officer has been



WP(MD). No.15240 of 2024

appointed for conducting disciplinary proceedings, the petitioner shall subject herself to the disciplinary proceedings.

9. In view of the above facts and circumstances and in view of the observations made, the writ petition is disposed of with a direction to the respondents to provide reasonable opportunity to the petitioner to defend herself and complete the enquiry as early as possible. No costs. Consequently connected Miscellaneous Petitions are closed.

10.07.2024

NCC : Yes/No
Index : Yes/No

RR



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WP(MD). No.15240 of 2024

R.N.MANJULA, J.

RR

W.P.(MD)No.15240 of 2024

10.07.2024