



WP(MD) No.15219 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.15219 of 2024
and
WMP(MD)No.13327 of 2024

M.Ochappan

.. Petitioner

Vs.

1. The Executive Engineer,
TANGEDCO,
Batlagundu Division,
Dindigul District.

2. The Assistant Executive Engineer,
TANGEDCO,
Pannaikadu,
Dindigul District.

3. The Assistant Engineer,
TANGEDCO,
Pannaikadu,
Dindigul District.

4. Rajendran,
The Assistant Executive Engineer,
TANGEDCO,
Pannaikadu,
Dindigul District.



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5. Harinath,
Assistant Engineer,
TANGEDCO,
Pannaikadu,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order of suspension issued by the 2nd respondent vide his proceedings in Ku.Aa.No.Uu.Se.Po/Ka.Me/Pa.Kadu/SiNiMu/Ko.Tha.Pa.Ne/A.No.06/2024 dated 24.06.2024 and quash the same.

For Petitioner : Mr.A.Mohamed Ashfalk
for Mr.T.Cibichakraborty

For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

This writ petition has been filed by the petitioner for issuance of a Writ of Certiorari, to quash the impugned order of suspension issued by the 2nd respondent vide his proceedings in Ku.Aa.No.Uu.Se.Po/Ka.Me/Pa.Kadu/SiNiMu/Ko.Tha.Pa.Ne/A.No.06/2024 dated 24.06.2024.



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2. Heard Mr.A.Mohamed Ashfalk, learned counsel appearing for the petitioner and Mr.B.Ramanathan, learned Standing Counsel appearing for the respondents.

3. The petitioner has filed this writ petition challenging the order of suspension dated 24.06.2024 on the allegation that the petitioner had quarrelled with the co-worker and assaulted him and abused him in disrespectful language and thus exhibited unbecoming conduct.

4. The learned counsel for the petitioner submitted that due to quarrel between himself and one Aravind, both of them went and gave criminal complaints. On the complaint given by Aravind, an FIR has been registered in Crime No.152 dated 26.04.2024 by Thandikudi police station. On the basis of the petitioner's complaint another FIR registered in Crime No.153 dated 26.03.2024.

5. The learned counsel for the petitioner submitted that eventhough the quarrel was between two workers of the respondent corporation, only the petitioner was placed under suspension in a biased



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manner. The petitioner has stated that the superior have formed a team with Aravind and had issued a memo just to avenge the revenge developed against him.

6. The learned counsel for the respondent submitted that consequent to the registration of the two FIRs and the counter complaint given by both the parties, the fact finding enquiry was conducted and on which it came to light that the petitioner had involved in an aggressive act and hence he was placed under suspension.

7. The learned counsel for the petitioner submitted that even on earlier occasion, the petitioner has been given with certain charges and the same cannot be proved against him. Only with that motive, the petitioner has been given with the suspension order and he has been kept under suspension on 24.06.2024. The petitioner has also not pressed the complaint given by him against Aravind. It is stated that the said act was done by him only at the instruction of the third respondent and now the third respondent had turned back and issued the order of suspension against the petitioner.



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8. The predominant submission made by the petitioner got lot of facts to be dealt with and the veracity of all those facts cannot be decided unless formal enquiry is conducted in this regard. If the petitioner does not believe in the fact finding enquiry in view of the alleged motive, it is up to him to place those facts during the enquiry proceedings, if any. Since the suspension has been made only in view of the certain quarrel between the two workers and the petitioner has also not pressed the complaint given by him against the opposite party, the second respondent could have reconsidered to revoke the suspension and reinstate the petitioner and conduct the enquiry after giving him a fair opportunity.

9. Hence, the petitioner is at liberty to make a representation to the second respondent and on receipt of the same, the second respondent shall consider and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order.

10. With the above observation, this writ petition is **disposed of**.

No Costs. It is made clear that the fact finding enquiry cannot be the



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report of the enquiry conducted in the disciplinary proceedings. Hence, if the respondent contemplates disciplinary action against the petitioner by furnishing charge memo, they shall follow the disciplinary Rules of the Department in this regard. Consequently, connected miscellaneous petition is closed.

09.07.2024

Index : Yes / No
NCC : Yes / No
PJL

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R.N.MANJULA, J.

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