



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.6627 of 2025

and

W.M.P.No.7274 of 2025

P.Srinivasan

Assistant Executive Engineer/ O&M,
Tamil Nadu Transmission Corporation Ltd,
Vadakathipatti,
Thirupattur Electricity Distribution Circle,
Thirupattur District.

..Petitioner

Vs.

1. The Chairman

Tamil Nadu Generation and Distribution Corporation Ltd,
No. 144, Anna Salai, Chennai- 2.

2. The Chief Engineer (Personnel)

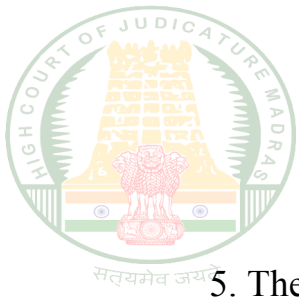
Tamil Nadu Generation and Distribution Corporation Ltd,
No. 144, Anna Salai, Chennai- 2.

3. The Secretary

Tamil Nadu Generation and Distribution Corporation Ltd,
No. 144, Anna Salai, Chennai- 2.

4. The Chief Engineer/ Distribution

Tamil Nadu Generation and Distribution Corporation Ltd,
Gandhi Nagar, Katpadi, Vellore-6.



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5. The Executive Engineer/ General
Vellore Electricity Distribution Circle,
Gandhi Nagar/ Katpadi - vellore-6.

6. The President
Internal Complaints Committee (ICC),
Tamil Nadu Generation And Distribution Corporation,
No. 144, Anna Salai, Chennai- 2.

7. S.Latha, (in Personal Capacity)
The Executive Engineer/ Schemes,
President ICC,
Tamil Nadu Generation And Distribution Corporation,
Gandhi Nagar, Vellore- 6.

8. Victim

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records connected with the impugned Charge Memo issued by the 4th respondent in Memo No.001040/10/Ne/U.3/2024-1, dated 25.03.2024 and to quash the same.

For Petitioner .. Mr.S.N.Ravichandran

For Respondents .. Mr.C.Manoharan,
Standing Counsel.

**ORDER**

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This Writ Petition has been filed in the nature of a Certiorari seeking records relating to the charge memo issued by the 4th respondent / the Chief Engineer / Distribution, TANGEDCO, Katpadi, Vellore dated 25.03.2024 and to quash the same.

2.Before issuing the order copy, the Registry may redact the name of the 8th respondent from all the records in the writ petition and term the 8th respondent only as 'victim'. There should be no reference anywhere in the order copy or in the records in the Registry of the writ petition wherein, the name of the victim is given.

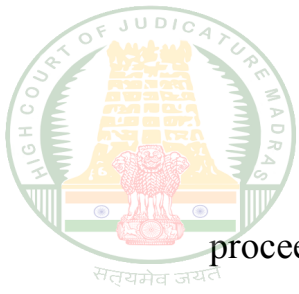
3.The Registry may also give an explanation, as to how the writ petition was verified while the name of the 8th respondent was given by the writ petitioner and why the Registry did not seek a direction against the writ petitioner to redact the name of the 8th respondent. Such explanation to be forwarded by circulation.



4.The petitioner is working as Assistant Executive Engineer.

Operation and Maintenance at Thirupattur Electricity Distribution Circle, Thirupattur District. It is contended that while working as such, the 8th respondent also joined the said office. There were complaints against the petitioner that he had misbehaved with the petitioner and acted inappropriately with the 8th respondent. In view of this, a charge memo which is complained in the writ petition had been issued against the writ petitioner.

5.The learned counsel for the petitioner drew notice of this Court to the charge memo and raised a ground that the complaint had been issued three months after the date of the incident and therefore stated that the receipt of such complaint was in violation of principles as enunciated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. A further point was raised questioning the jurisdiction of the authority, who issued the charge memo. Yet another point was raised that the documents mentioned as annexed to the charge memo had not been served on the petitioner herein. It had also been pointed out that though the incident is alleged to have taken place in February 2023, the



proceedings had been initiated very much belatedly. It is therefore, contended that this Court should interfere with the charge memo.

6.The provision of the Act is very clear. It is meant to protect women in their work places. The concept of work places would also extend to the places where transportation is afforded.

7.In the instant case, it was alleged that the petitioner had taken the victim in a two wheeler and while going out from the office and before reaching the place of residence the incident alleged is said to have taken place. Therefore, this could very well also come under the definition of the work place as provided under Section 2(o)(v) of the Act, which include *any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.*

8.The learned counsel pointed that the transport had not been provided by the employer. But still, when a common transport is used and at that time, when allegations are raised, it would be an issue which the



petitioner can raise during the enquiry and adjudication could be arrived at with respect to the same.

9. One further issue which had been raised by the learned counsel for the petitioner is that, the complaint had not been given within a period of three months. It is stated that therefore no enquiry could take place pursuant to such complaint. The views of the victim should also be heard in such issues, as to why, she was not able to come forward to give a complaint. The authorities must instigate confidence that if complaints are given, they would be addressed and redressal would be provided.

10. Therefore, even though, it is claimed by the petitioner that the complaint had been given after a period of three months, no finding could be passed by this Court, but the victim must be given an opportunity to explain the reasons for the delay. That opportunity can be granted during the course of enquiry and the petitioner can very well face the enquiry and put this as an issue during the enquiry.



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11.The next issue raised by the learned counsel for the petitioner is about the jurisdiction of the authorities. That is an issue which has to be addressed only by the officer who conducts the enquiry and it is not for this Court to determine as to who is the authority and who is not the authority to issue the charge memo. I would grant liberty to the petitioner to raise that particular issue during the course of enquiry.

12.The learned counsel stated that the documents as listed in the annexure to the charge memo had not been produced. It is contended that one of the document is an audio recording and it is therefore contended that it would not come within the definition of the document.

13.A direction is issued to the respondents to give copies of the complaint and the authorized recording of the audio recording to the petitioner.

14.It is now for the petitioner to accept, receive the copy of the audio recording, if it is to be contended by the petitioner that it is not a document, then the petitioner cannot seek a copy of the same. The enquiry should



continue and I am not prepared to curtail the enquiry or interfere with the same.

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15. With the above observation, this Writ Petition stands dismissed.

No costs. Consequently, connected Writ Miscellaneous Petition stands closed.

25.02.2025

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Index: Yes/No

Internet: Yes/No



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C.V.KARTHIKEYAN,J.

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