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W.P.No.7867 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.ARUL MURUGAN**

W.P.No.7867 of 2015
and M.P.No.2 of 2015

A.Velusamy

... Petitioner

-Vs-

1. Tamilnadu Generation &
Distribution Corporation,
Rep. by the Chairman / Managing Director,
Head Quarters Complex,
144, Anna Salai, Chennai-2.
2. The Chief Internal Audit Officer,
Audit Branch,
Tamilnadu Generation &
Distribution Corporation Ltd.,
NPKRR Maligai,
1st Floor, 144,
Anna Salai, Chennai-2.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the order passed by him in Memo No.002276/57/F.1/F.12/2015, dated 10.3.15 and quash the same and direct the respondents to include the petitioner's name in the Panel for promotion to the post of Internal Audit Officer notified by the first Respondent in his Proc.No.1 (Audit Branch) dated 10.11.14 in the appropriate place over and above his Juniors.



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W.P.No.7867 of 2015

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for M/s M.Srividhya
For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

This writ petition has been filed challenging the order dated 10.03.2015 and for consequential direction to include the petitioner's name in the panel for promotion to the post of Internal Audit Officer.

2. Heard Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioner and Mr.K.Rajkumar, learned Standing Counsel appearing for the respondents.

3. The writ petitioner who was working as an Assistant Audit Officer in the respondent office was implicated in a criminal case in Crime No.06 of 2011 on the file of the Inspector of Police, AWPS, Papanasam, Tanjore district, in respect of the complaint given by his wife. The charge sheet was filed and the case was taken on file in C.C.No.140 of 2012, on the file of the learned Judicial Magistrate, Papanasam. When the panel was drawn for promotion to the post of Internal Audit Officer, the petitioner's name was not included and he has made



W.P.No.7867 of 2015

a representation on 10.12.2014 on the new panel prepared, where his juniors were included in the panel particularly one D.Jayagopalan and others. Since the petitioner's name was not included, he has made objections, pursuant to which, by the impugned order dated 10.03.2015, the objections were rejected, stating that since the petitioner has been charge sheeted in the criminal case, his name has been deferred in view of the criminal case pending against him.

4. Today, the learned Senior Counsel appearing for the petitioner produced a copy of Judgment passed in CrI.A.No.158 of 2019 dated 09.12.2024 on the file of the Additional District and Sessions Court (FTC), Kumbakonam and submitted that though the petitioner was initially convicted for the offence under Section 498A of IPC and sentenced to undergo six months rigorous imprisonment, in the appeal, the conviction and sentence imposed by the District Munsif cum Judicial Magistrate Court, in C.C.No.140 of 2012 dated 05.12.2019 has been set aside and the petitioner has been acquitted from the charges.

5. As the petitioner's name has been deferred from including in the panel, the learned Senior Counsel submitted that in view of the subsequent



W.P.No.7867 of 2015

acquittal from the criminal case in the appellate Court, the petitioner may be permitted to submit a detailed representation enclosing the copy of the order of acquittal which can be taken note and decision can be taken by the respondent on merits as the name was originally been deferred, in view of the pendency of the criminal case and there is no disciplinary or enquiry pending against the petitioner.

6. The learned counsel for the respondent has no objections in this regard and submitted that if the representation is made by enclosing the order passed in the criminal appeal, the same will be considered and orders will be passed on merits and in accordance with law, within a time period as fixed by this Court.

7. In view of the above submissions, the petitioner is directed to submit a fresh representation enclosing the copy of the Judgment dated 09.12.2024, in CrI.A.No.158 of 2019 seeking to include his name in the panel which has been deferred due to pendency of the criminal case, within a period of two weeks from the date of receipt of a copy of this order. If any such representation is made, the second respondent is directed to consider the same and pass orders



W.P.No.7867 of 2015

on merits and in accordance with law, within a period of six weeks from the date of receipt of the representation from the petitioner.

8. With the above directions, this writ petition is disposed of.

Consequently, connected Miscellaneous petition is closed. No costs.

24.01.2025

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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W.P.No.7867 of 2015

G.ARUL MURUGAN, J.

mn

To

1. The Chairman / Managing Director,
Tamilnadu Generation &
Distribution Corporation,
Head Quarters Complex,
144, Anna Salai, Chennai-2.
2. The Chief Internal Audit Officer,
Audit Branch,
Tamilnadu Generation &
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W.P.No.7867 of 2015

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