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W.P.No.27320 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.07.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.27320 of 2025

and

W.M.P.Nos.30675, 30676 and 30677 of 2025

S.Karthikeyan

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board/TANGEDCO,
NPKRR Maaligai, TNEB Complex,
No.144, Anna Salai, Chennai – 600 002.

2. The Chief Engineer/Personnel,
Tamil Nadu Electricity Board/TANGEDCO,
8th Floor, NPKRR Maaligai, TNEB Complex,
No.144, Anna Salai, Chennai – 600 002.

3. The Superintending Engineer,
Udumalai Distribution Circle/TNPDCL,
Udumalaipet.

4. The Assistant Executive Engineer,
Operation and Maintenance (Nagaram),
Udumalpet District Circle / TNPDCL,
Udumalpet – 642 126.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to call for the records on the file of the third respondent in his proceedings in கு.ஆ.எண். 019033/724/ மே.பொ./உடு/நிஅ/நிர.03/உதவி5/18/ உ.மி.வ/உடு/நிர்/க ஓ ந/2025 dated 03.04.2025 and quash the same by issuing a Writ of Certiorarified Mandamus, directing the respondents to reinstate the petitioner in the post of Gangman by regularizing his service from 27.12.2022 with all service and monetary benefits within the time limit fixed by this Court.

For Petitioner : Mr.R.R.Mohanaraja

For Respondents : Mr.C.Ram Kumar,
Standing Counsel

ORDER

Mr. C.Ram Kumar, the Standing Counsel takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The instant Writ Petition has been filed, challenging the impugned order dated 03.04.2025, by and in which the petitioner was imposed with an order of dismissal.



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3. The learned counsel for the petitioner would submit that though the charges were framed based on criminal complaints registered against the petitioner in C.C.No.337 of 2015 and C.C.No.6 of 2023, orders of acquittal were passed against the petitioner vide orders dated 04.07.2024 and 08.11.2024, respectively. However, the disciplinary authority has not taken the said factum into consideration.

4. At this juncture, the learned Standing Counsel appearing for the respondents would submit that the charge against the petitioner is that he suppressed the material fact, namely, the pendency of the criminal proceedings against him at the time of appointment. Therefore, there is no significance in respect of the subsequent acquittal orders in favour of the petitioner.

5. I have given my anxious consideration to either side submissions.

6. Though it is the contention of the petitioner that the criminal cases registered against him were subsequently acquitted, the disciplinary



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proceeding pending against the petitioner is not based on the same set of charges, but on a different aspect, namely, that the petitioner did not disclose the pendency of the criminal complaint at the time of joining.

7. But the learned counsel for the petitioner would fairly submit that he has already filed an appeal before the Appellate Authority on 09.06.2025 itself, and the said appeal is pending before the Appellate Authority. Though the learned counsel for the petitioner seriously objects to the findings of the disciplinary authority in the light of the order of acquittal, the fact remains that the petitioner has already filed the appeal, and these aspects can only be effectively adjudicated before the Appellate Authority, and not by way of writ jurisdiction, which can be approached only under exceptional circumstances if the petitioner is able to satisfy the triple test stipulated in the judgement of the Hon'ble Supreme Court of India in ***Whirlpool Corpn. v. Registrar of Trade Marks***, reported in ***(1998) 8 SCC 1***.

8. Therefore, in view of the above peculiar circumstances, and upon the ground that there is an alternative remedy available to the petitioner, which the petitioner has already approached, without going into the merits of



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this Writ Petition, this Court deems it appropriate to direct the Appellate Authority to dispose of the appeal dated 09.06.2025 within a reasonable time.

9. In view of the above submissions, the Appellate Authority is directed to dispose of the petitioner's appeal dated 09.06.2025, within a period of eight weeks from the date of receipt of a copy of this order. However, the petitioner is at liberty to take all defences that have been raised in the present Writ Petition before the Appellate Authority.

10. At this juncture, the learned counsel for the petitioner would submit that during the pendency of the departmental proceedings, the petitioner's subsistence allowance was not paid by the respondents. If so, the petitioner is at liberty to give a representation to the respondents within 7 days from the date of receipt of a copy of this order, and if such a representation is received, the respondents are directed to consider the same and pass orders on its own merits and in accordance with law, within a period of four weeks thereafter.

11. With the above directions, this Writ Petition is disposed of.



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Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

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C.KUMARAPPAN, J.

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