



W.P. No. 31328 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 31328 of 2019

Era. Sethupathy

... Petitioner

Vs.

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), No.144, Anna Salai, Chennai – 600 002.
- 2.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), No. 144, Anna Salai, Chennai – 600 002.
- 3.The Chief Engineer/Distribution,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), South Distribution, Chennai Region / South Chennai,
No.144, Anna Salai, Chennai – 600 002.
- 4.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), Chengalpattu Electricity Distribution Circle,
Chengalpattu District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent relating to his Memo No. 559/Adm. II/ Asst.2/ F. DP/2019 dated 14.10.2019 and quash the same as illegal, arbitrary, unwarranted, biased, malafide and without any jurisdiction and consequently, direct the respondents 1 to 4 to reinstate the petitioner into service.



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For Petitioner : Mr. A. Kumar
For Respondents : Mr. David Sundar Singh,
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the materials available on record.

2. The petitioner who was working as Assistant Engineer in the respondent Corporation was terminated from service vide proceedings dated 14.10.2009 of the fourth respondent on certain allegations. Against the termination order, the petitioner preferred an appeal before the third respondent on 25.10.2019. Subsequently, he filed a present writ petition before this Court on 04.11.2019 against the same termination order.

3. During the course of hearing, it is brought to the notice of the Court that the appeal filed by the petitioner is still pending with the third respondent. It is also brought to the notice of the Court that it is informed to the petitioner by the respondents that due to pendency of this writ petition, they could not proceed with the appeal, by letter dated 15.11.2021.

4. Admittedly, the petitioner challenged the termination order dated

14.10.2019 issued by the fourth respondent before the third respondent by filing

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appeal on 25.10.2019. Consequently, he filed the present writ petition on 04.11.2019 against the same termination order.

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5. It is settled law that when the petitioner availed the statutory remedy of appeal, he cannot challenge the same order by filing the writ petition, which is not permissible.

6. However, considering the fact that the appeal filed by the petitioner is pending before the third respondent, in the considered opinion of this Court, it is appropriate and reasonable to meet the interest of justice to direct the third respondent to dispose of the appeal, within the stipulated time.

7. Accordingly, this Writ Petition is disposed of with a direction to the third respondent to dispose of the appeal filed by the petitioner against the termination order dated 14.10.2019 of the fourth respondent within a period of two months from the date of receipt of copy of this order, by following due process of law and communicate the order to the petitioner.

8. There shall be no order as to costs.

28.01.2025

Index :Yes/No

Neutral Citation :Yes/No

AT

<https://www.mhc.tn.gov.in/judis>



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BATTU DEVANAND, J.

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AT

To

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), No.144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), No. 144, Anna Salai,
Chennai – 600 002.
- 3.The Chief Engineer/Distribution,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), South Distribution,
Chennai Region / South Chennai,
No.144, Anna Salai,
Chennai – 600 002.
- 4.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), Chengalpattu Electricity Distribution Circle,
Chengalpattu District.

W.P. No. 30130 of 2018 and
W.M.P. No. 35153 & 35155 of 2018

28.01.2025