



WEB COPY



W.P.No.34582 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HONOURABLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.34582 of 2024

AND

W.M.P.Nos.37506 & 37507 of 2024

J.Kumar

... Petitioner

Vs

1.The Chairman-cum-Managing Director
The Tamil Nadu Generation and Distribution Corporation Ltd.
(TANGEDCO)
No.144, Anna Salai, Chennai 600 002

2.The Chief Engineer (Personnel)
The Tamil Nadu Generation and Distribution Corporation Ltd.
(TANGEDCO)
No.144, Anna Salai, Chennai 600 002

3.The Superintending Engineer
Kallakurichi Electricity Distribution Circle
The Tamil Nadu Generation and Distribution Corporation Ltd.
(TANGEDCO) Kallakurichi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the entire records relating to the impugned charge memorandum passed by the 3rd respondent in his proceedings *vide* No.Ku.AA.No.1787/730/MePo/KaMiPaVa/Kallai/Ni.A/Ni.Pi.II/Assistant 3/Ko.O.Na/2024 dated 29.10.2024 and quash the same.



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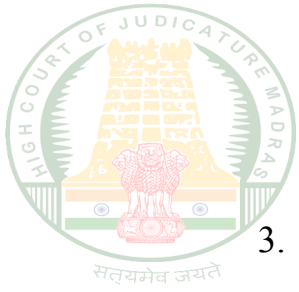
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For Petitioner : Ms.R.Hemalatha
For Respondents : Mr.C.Manoharan
Standing Counsel

ORDER

This writ petition has been filed in the nature of a certiorari seeking records relating to a charge memo issued by the 3rd respondent in proceedings dated 29.10.2024 and to quash the same.

2. In the affidavit filed in support of the writ petition, it had been contended that the writ petitioner had been initially appointed as Helper under the respondent Corporation in the year 1987 and subsequently, granted further promotions and finally, was working as Foreman Grade-I in the office of the Assistant Engineer (Electricity Board), Asanur Village, Ulundurpet Taluk. At that time, it was contended that the petitioner had demanded a bribe amount and had also accepted the same. Consequent to this allegation, FIR in crime No.11/2009 had been registered by the Deputy Superintendent of Police, Vigilance & Anti-Corruption, Villupuram for the offences punishable under Sections 7, 13(2), 13(1)(d) of the Prevention of Corruption Act, 1988.

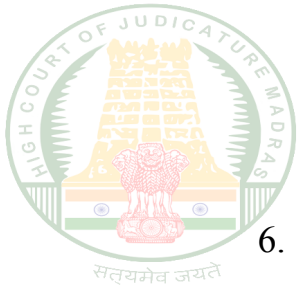


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3. The learned counsel for the petitioner stated that after trial in Special Case No.24/2014, the petitioner was convicted and he was terminated from service on 08.02.2019. The petitioner, however, filed Crl.A.No.679 of 2018 and a learned Single Judge of this Court, by judgment dated 19.05.2023, had set aside the conviction and sentence and acquitted the petitioner of all charges. The respondents, then, commenced the proceedings of the departmental enquiry and issued a charge memo, which is now questioned in the writ petition.

4. The learned Standing Counsel for the respondents stated that an Inquiry Officer had now been appointed.

5. It is only appropriate that the petitioner participates in the inquiry. The manner in which the evidence is appreciated during criminal trial and during inquiry are different. While in the criminal trial, proof beyond reasonable doubt is examined, in an inquiry, preponderance of probability alone is the factor to be examined.



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6. Be that as it may, the learned counsel for the petitioner stated that the petitioner would certainly co-operate during the inquiry proceedings. It is, however, contended that the petitioner is to retire on attaining the age of superannuation on 31.05.2025. It is, therefore, only appropriate that the inquiry is completed within that particular date. A direction is given to the respondent to marshal the available witnesses and examine them and an obligation is placed on the petitioner to co-operate effectively without seeking any adjournments. The inquiry may be completed on or before 20.05.2025 and an order may also be passed on the findings of the Inquiry Officer on or before 31.05.2025.

Holding as above, this writ petition stands disposed of. No costs.
Connected W.M.Ps. are closed.

16.04.2025

gya

Index : Yes/No

Neutral Citation : Yes/No



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C.V.KARTHIKEYAN, J.

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