



W.P.(MD)No.3076 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.3076 of 2025
and
W.M.P(MD)No.2146 of 2025

P.Murugan

Vs.

... Petitioner

1.The Chief Engineer,
(Distribution),
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
Madurai Region,
Madurai – 7.

2.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Virudhunagar,
Virudhunagar District.

3.The Executive Engineer,
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO)
Distribution/Srivilliputtur,
Virudhunagar District.

... Respondents



W.P.(MD)No.3076 of 2025

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the second respondent in his proceedings in கு.ஆ.எண்.00762/நிஅ/நிமே/நிபி/21/கோ.கட்டு/2025, dated 04.01.2025 and quash the same as illegal, arbitrary.

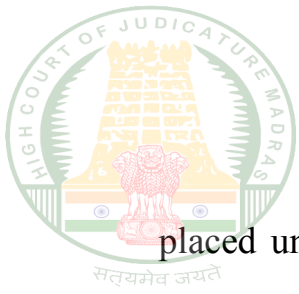
For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

This writ petition has been filed seeking to quash the impugned proceedings, dated 04.01.2025 issued by the second respondent.

2. The case of the petitioner is that he was appointed as Assistant Draftsman in the respondent Board on 17.10.1988. Thereafter, he was promoted as Junior Engineer (Grade-II) and at present, he is working as Junior Engineer Grade I with effect from 31.12.2008. Based on the complaint made by one Duraisingam, the Inspector of Police, Vigilance and Anticorruption Department, Ramanathapuram has registered a case in Crime No.10 of 2019 under Section 7 of Prevention of Corruption Act, 1988. On 27.08.2009, a trap was laid and the petitioner was arrested and remanded to judicial custody. The petitioner was



W.P.(MD)No.3076 of 2025

placed under suspension by the second respondent. The petitioner filed a writ petition in W.P(MD)No.7562 of 2010 against the order of suspension. This Court granted an order of interim stay by its order, dated 25.08.2010. Consequently, the first respondent passed an order on 25.03.2011 revoking the suspension order. Subsequently, the writ petition was disposed of by its order, dated 15.12.2016. On 07.10.2024, in Special C.C.No.5 of 2011, the Chief Judicial Magistrate Court, Ramanathapuram has convicted the petitioner by its judgment, dated 07.10.2024. Against the same, the petitioner filed criminal appeal before this Court in CrI.A(MD)No.855 of 2024 and it is pending. On 05.11.2024, the second respondent issued show cause notice to submit his explanation. In the show cause notice, it was informed that the authorities were decide to impose punishment of dismissal from service. On 19.11.2024, the petitioner sent a representation to the second respondent pointing out the irregularities in the notice. On 04.01.2025, the second respondent had issued the notice to submit his explanation within a period of 7 days. On the ground that the Superintending Engineer is not competent authority to issue such notice to the petitioner, this writ petition has been filed.



W.P.(MD)No.3076 of 2025

WEB COP 3

3. The learned counsel for the petitioner would submit that as per Regulation 47 of the Tamil Nadu Electricity Board Service Regulations, Chief Engineer is competent authority to issue show cause notice against the petitioner as he was working as Junior Engineer Grade I.

4. On the other hand, the learned Standing Counsel for the respondents has drawn attention to the regulation 93 of the Tamil Nadu Electricity Board Service Regulations, to show that the appointing authority for the post of Junior Engineer Grade I is the Superintending Engineer. As per Annexure No.2 issued under Regulation 93 of the Tamil Nadu Electricity Board Service Regulations, wherein, it is stated that the superintendent Engineer is the appointing authority and as such automatically he will be the disciplinary authority. He is entitled to issue show cause notice to the petitioner.

5. It is for the petitioner to decide to submit explanation to the show cause notice or not. The petitioner can raise his objections in his explanation with regard to the predetermined decision of the second respondent to impose punishment of dismissal from service against the petitioner. But this Court at



W.P.(MD)No.3076 of 2025

this stage is not inclined to interfere with the proceedings issued by the second

WEB respondent.

6. For the aforesaid reasons, this writ petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

12.02.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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W.P.(MD)No.3076 of 2025

BATTU DEVANAND, J.

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W.P.(MD)No.3076 of 2025

12.02.2025