



WEB COPY

WP No. 685 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 685 of 2026

R.Sivanantham
S/o.Mr.Ramasamy
No.1 Akkarambedu, Mettu Colony
Devadhanam Post, Nalur Village
Ponneri, Thiruvallur 601203.

..Petitioner(s)

Vs

1. The Chairman And Managing Director
Tamil Nadu Power Distribution Corporation
Limited,
Chennai.

2. The Superintending Engineer (civil)
Tamil Nadu Power Distribution Corporation
Limited, Chennai.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records issued by the 1st respondent relating to the impugned order dated 08.12.2025 vide (Per) CMD TNPDCCL proceedings No.321 and quash the same and consequently direct the 2nd respondent to permit to retire on superannuation



with all pensionary and terminal benefits.

For Petitioner(s): Mr.S.Sheik Ismail

For Respondent(s): Mr.K.Raj Kumar

ORDER

This Writ Petition has been filed seeking quashment of the impugned order dated 08.12.2025 passed by the first respondent and a consequential direction to the second respondent to permit the petitioner to retire from service, with all pensionary and terminal benefits.

2. Mr.K.Raj Kumar, learned counsel takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that he joined the service of the first respondent Corporation as Assistant Engineer (Civil) on 23.05.1995 and was subsequently, promoted as Assistant Executive Engineer in the year 2009. While so, the first respondent vide proceedings dated 30.05.2025 and 31.05.2025 retained the petitioner in service beyond the date of his



superannuation and placed him under suspension on the ground of pendency of a criminal complaint against the petitioner. Consequently, the first respondent issued a show cause notice dated 27.10.2025, proposing to impose penalty of dismissal from service. Pursuant thereupon, the petitioner submitted his explanation. Thereafter, the first respondent vide proceedings dated 08.12.2025, dismissed the petitioner from the service. Challenging the dismissal order, the petitioner has filed this Writ Petition.

4. Learned counsel for the petitioner submitted that a private complaint had been lodged against the petitioner, which culminated in a judgment dated 09.10.2025 in S.T.C.No.86 of 2016 on the file of the Judicial Magistrate Court, whereby the petitioner was convicted under Section 138 of the Negotiable Instruments Act. Aggrieved by the said judgment, he has preferred an appeal in C.A.No.79 of 2025 before the learned Principal District and Sessions Judge, Cuddalore. Pending the said Appeal, the first respondent issued a show cause notice dated 27.10.2025. Pursuant thereto, the petitioner submitted his explanation. However, the first respondent, without considering the same, passed the impugned order dated 08.12.2025, dismissing the petitioner from the service in terms of Regulation 8(c)(i)(a) of the TNEB Employees' D&A Regulations. The learned counsel further submitted that though the criminal case had been pending since 2016, no disciplinary proceedings were initiated against the petitioner during that period. As such, it is the submission of the



learned counsel that the first respondent ought to have permitted the petitioner to retire from the service, upon attaining the age of superannuation, instead, placing him under suspension is unsustainable in law. Therefore, he seeks quashment of the impugned order.

5. Per contra, Mr.K.Raj Kumar, learned counsel appearing for the respondents submitted that the complaint registered under Section 138 of Negotiable Instruments Act escaped the notice of the Department and was disclosed only at the time of petitioner's retirement. Thereby, the petitioner was not allowed to retire from the service and was placed under suspension, by invoking the powers under Section 17(f) of the Tamil Nadu Electricity Board Service Regulations read with Tamil Nadu Electricity (Re-organization and Reforms) Transfer Scheme, 2010 and 9(a) of the Tamil Nadu Electricity Board Employees' Discipline and Appeal Regulations, read with the Tamil Nadu Electricity (Re-organization and Reform) Transfer Scheme, 2010. In the meanwhile, since the private complaint culminated in a judgment dated 09.10.2025 in S.T.C.No.86 of 2016, the impugned dismissal order was passed by the first respondent. Therefore, the learned counsel prays for dismissal of the Writ Petition.

6. Heard the learned counsel on either side and have perused the materials available on record.



7. The criminal case as against the petitioner had been pending since 2016. It is admitted fact that no disciplinary proceedings were initiated against him during the said period. The petitioner was placed under suspension vide order dated 30.05.2025. Thereafter, the criminal case as against the petitioner culminated in conviction in S.T.C.No.86 of 2016 by judgment dated 09.10.2025. Consequently, the first respondent issued a show cause notice to the petitioner and, upon consideration of his reply thereto, dismissed him from service.

8. On a perusal of the provisions under Tamil Nadu Electricity Board Employees' Discipline and Appeal Regulations, this Court is unable to accept the contention of the learned counsel for the petitioner that disciplinary proceedings ought to have been initiated during the pendency of the criminal case. The Regulations specifically provide that a separate departmental enquiry need not be conducted when an employee has been convicted by a Criminal Court. The said provision has been invoked by the first respondent while passing the impugned order of dismissal, which reads as follows:

*“8(c)(i) The requirements of clause (b) shall not apply
(a) where it is proposed to impose on an employee any
such penalty as is referred to therein on the basis of facts*



which have led to his conviction in a criminal court (Whether or not he has been sentenced at once by such court to any punishment), but he shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed.

(b) where it is proposed to impose on an employee any such penalty as is referred to therein on the basis of facts which have led to his conviction by a court-martial or where the employee concerned has absconded or where it is for other reasons impracticable to communicate with him.”

9. In the present case, the show cause notice dated 27.10.2025 was issued to the petitioner immediately after the conviction by judgment dated 09.10.2025. Thereafter, the petitioner submitted his reply on 12.11.2025. Upon consideration of the said reply, the impugned order came to be passed on 08.12.2025 on the basis of the conviction rendered by the Criminal Court. Therefore, this Court is of the view that the impugned order passed by the first respondent does not warrant interference.

10. Accordingly, this Writ Petition stands dismissed. Since the appeal in C.A.No.79 of 2025 is pending before the learned Principal District and Sessions Judge, liberty is granted to the petitioner to approach the competent



Authority for terminal benefits, in the event of his succeeding in the appeal

There shall be no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ANU

To

1. The Chairman And Managing Director
Tamil Nadu Power Distribution Corporation
Limited,
Chennai.
2. The Superintending Engineer (civil)
Tamil Nadu Power Distribution Corporation
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M.DHANDAPANI, J.

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