
(2006) 08 MAD CK 0112

In the Madras High Court

Case No : Writ Petition No. 19931 of 2006 and M.P. No's. 2 and 3 of 2006

S. Zacharias

APPELLANT

Vs

Tamil Nadu Electricity Board

RESPONDENT

Date of Decision : 22-08-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 08 MAD CK 0112

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : M.D. Thirunavukkarasu, for the Appellant; V. Yamuna Devi, for the Respondent

Final Decision : Dismissed

Judgement

P. Jyothimani, J.—This writ petition is filed challenging the order of the third respondent, dated 21.06.2006, under which the third

respondent has placed the petitioner under suspension on contemplating a departmental enquiry as per the Standing Orders governing the Tamil

Nadu Electricity Board employees.

2. The impugned order states that the departmental enquiry contemplated is in respect of an alleged behaviour of the petitioner with his superior

officials and also using unparliamentary words in the office premises against his superior officers. This Court while issuing notice of motion has

granted an order of interim stay against the order of suspension passed by the third respondent. On behalf of the respondents a petition to vacate

the order of stay has been filed and the respondents also filed a counter affidavit.

3. Mr. M.D. Thirunavukkarasu, learned Counsel appearing for the petitioner would submit that this is a case of mala fide attitude on the part of the

respondents and according to the petitioner, it is the third respondent who has used the abusing language and having used the same, the allegation

is made as if the petitioner has made against the third respondent. Therefore, according to the learned Counsel for the petitioner, this is mala fide.

4. On the other hand, Ms. V. Yamuna Devi, learned Counsel appearing for the respondents would take me through the standing orders governing

the service conditions of the employees of the respondents-Electricity Board. As per the Standing order, it is very clear that the respondents while

taking disciplinary proceedings against the workmen are entitled to place the workmen like that of the petitioner under suspension either pending

enquiry or contemplating enquiry. So, according to her, the very order of suspension was passed by the authority who is competent and with

jurisdiction to pass the same. As far as the allegation of mala fide is concerned, she would deny the same in any event, according to her that it is an

issue to be decided only in the departmental enquiry which is to commence shortly.

5. I have heard the learned Counsel for the petitioner as well as the respondents. On the facts of the case, I am satisfied that as per the Rules

governing the service conditions of the Tamil Nadu Electricity Board and as seen in the standing orders for workmen issued by the Tamil Nadu

Electricity Board, the third respondent is the authority competent to issue the order of suspension against the petitioner who is a line inspector. As

far as the allegation about the factual contradiction as to whether the petitioner has abused the third respondent or the third respondent has abused

the petitioner is not for this Court to decide at this stage while exercising the powers under Article 226 of the Constitution of India. It is always

open to the petitioner to prove in the duly constitute enquiry which is to be conducted by the respondents. In view of the same, I am satisfied that

there is absolutely nothing to be interfered in this case. In view of the same, the petition is dismissed. However, taking into consideration that the

allegation of mala fide is made against the third respondent, I am of the considered view that the respondents should be directed to frame charges

and complete the enquiry on the charges by giving an opportunity of hearing to the petitioner within the specified time. In view of the same, while

dismissing the writ petition, the respondents are directed to frame necessary charges against the petitioner, if they desire to do so, and pass orders

after giving an opportunity of hearing to the petitioner to prove his case of innocence and such orders shall be passed within a period of six weeks

from the date of receipt of a copy of this order. It is made clear that the petitioner shall cooperate with such an enquiry with the enquiry officer.

6. The writ petition stands dismissed on the above terms. No costs. Consequently, the connected MPs are closed.