

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5262 OF 2010

P. SANTHA SARGUNADOSS

.. Appellant(s)

Versus

THE SUPERINTENDING ENGINEER, VILLUPURAM
ELECTRICITY DISTRIBUTION CIRCLE, TAMIL NADU

.. Respondent(s)

O R D E R

The respondent issued a memorandum of charges to the appellant on 14th March, 1986 for temporary misappropriation of amounts collected from consumers when he was working as an Assessor in the Tamil Nadu Electricity Board. A departmental enquiry was conducted. The enquiry officer submitted his report on 30th May, 1986 in which he held the appellant guilty of all the charges. The appellant was given an opportunity to submit his explanation to the show cause notice. Thereafter, the service of the appellant was terminated by an order dated 25th June, 1986.

The appellant approached the Labour Court raising a dispute which was dismissed on 28th September, 1994. The writ petition filed by the appellant challenging the award of the Labour Court was allowed by a learned Single Judge of the Madras High Court by holding that there was violation of principles of natural justice in conducting the departmental enquiry as the documents requested by the appellant were not supplied to him. The appeal filed by the respondent against the judgment of the learned Single Judge was

allowed by the Division Bench of the High Court. Aggrieved thereby, the appellant is before us.

Learned counsel for the appellant submits that it is clear from the enquiry report that several documents were requested by the delinquent during the course of the enquiry on 27.5.1986. It is recorded in the report that the appellant shall be entitled to inspect the documents at Villupuram. She submits that without giving any opportunity to the appellant to inspect those documents, the enquiry officer proceeded to submit his report on 30th May, 1986. Further, as the relevant documents were not furnished to the appellant, the enquiry report is vitiated and the order of termination is liable to be set aside. She also relied upon the judgment of the learned Single Judge to submit that the order of termination is vitiated as sufficient opportunity was not given to the appellant in a departmental enquiry.

Learned counsel appearing for the respondent submits that non-supply of internal audit report would not be relevant for a decision in this case. He contends that there are six charges against the appellant and even if certain documents pertaining to Charge No.3 were not furnished, the appellant was given all the other relevant documents and he cannot be permitted to raise a ground of violation of principles of natural justice.

Learned counsel for the appellant pointed out that an amount of Rs.3287.30p. was remitted by the appellant after he was informed about the short fall of the deposit of money that was collected by consumers. The letter written by the appellant to the Superintending Engineer also mentions that deposit was being made

as there was a threat of police complaint being filed against him for temporary misappropriation. The deposit of the amount of short fall would amount to an admission by the appellant as the deposit was of the amounts which were collected from the consumers. The action of the appellant in not depositing the amounts after collecting from the consumers would be temporary misappropriation.

We are not impressed with the submission made by the learned counsel for the appellant that the entire disciplinary proceedings are vitiated due to violation of principles of natural justice. Non furnishing of the internal audit report would not make any difference to the ultimate decision as the appellant was found guilty of five other charges apart from Charge No.3 as is clear from the record. The other relevant material was also furnished to the appellant. He had sufficient opportunity to present his case in the departmental enquiry.

Misappropriation of public money, though, temporarily is a serious charge which has been proved against the appellant.

There is no ground for interference with the judgment of the High Court. The Civil Appeal is dismissed.

.....J.
(L. NAGESWARA RAO)

.....J.
(M.R. SHAH)

New Delhi,
Dated: APRIL 11, 2019.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).5262/2010

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Appellant(s)

VERSUS

THE SUPERINTENDING ENGINEER VILLUPURAM
ELECTRICITY DISTRIBUTION CIRCLE, TAMIL NADU

Respondent(s)

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Date : 11-04-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s) Ms. Anu Gupta, AOR
Ms. Gouri Karuna Das Mohanti, Adv.
Mr. Sanjay Mani Tripathi, Adv.
Mr. Ali Jethmalani, Adv.

For Respondent(s) Mr. Vinodh Kanna B., AOR

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeal is dismissed in terms of the Signed Order.

Pending application(s), if any, stand disposed of.

(GEETA AHUJA)
COURT MASTER (SH)

(KAILASH CHANDER)
ASSISTANT REGISTRAR

(The Signed Order is placed on the file)