

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25225 of 2015

And

M.P.No.1 of 2015

K.Ramakrishnan

...Petitioner

Vs.

- 1 The Superintending Engineer
TANGEDCO Udumalapet Electricity
Distribution Circle Tiruppur Road
Udumalaipet Tiruppur District.
- 2 The Executive Engineer
Operations & Maintenance TANGEDCO
Dharapuram Tiruppur District.
- 3 The Assistant Executive
Engineer TANGEDCO West / Dharapuram
Tiruppur District.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records pertaining to the proceedings of the 3rd Respondent in Memo No.AEE/WEST/DPM/CI/F : Confidential/D/No. 09/2015-16 dated 06.08.2015 and quash the same as illegal incompetent and ultravires.

For Petitioner : Mr.Ma.P.Thangavel

For Respondents : Mr.P.R.Dhilip Kumar

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he is the resident of Fathima Nagar, Sagunipalayam Road, Dharapuram, Tiruppur District and

initially he was appointed as Helper on 30.03.1998 and was promoted as Wireman during March, 2002 and posted in North zone of Dharapuram and subsequently, promoted as Line Inspector vide proceedings of the first respondent dated 03.02.2015. The petitioner would claim that he perform his duties honestly and sincerely to the satisfaction of his Superior Officers without any stigma or remark. It is stated by the petitioner that in order to wreck vengeance against him, he was issued with the impugned order of suspension dated 06.08.2015 under Order 31 (2) (a) of Tamilnadu Electricity Board Standing Orders. However, the Annexure to the order of suspension in Appendix No.II has been left blank and challenging the legality of the same, came forward to file this writ petition.

3.Mr.Ma.P.Thangavel, learned counsel appearing for the petitioner has drawn the attention of this Court to the impugned order dated 06.08.2015 and would state that in the first paragraph it has been alleged that the petitioner has demanded and accepted bribe in Sangarandampalayam area in North / Dharapuram Section and admittedly, no criminal prosecution has been launched and the Annexure to the impugned order in Appendix No.II is also left blank and therefore the impugned order has been passed without any proper application of mind and prays for appropriate orders.

4.Per contra, Mr.P.R.Dhilip Kumar, learned Standing Counsel who accepts notice on behalf of the respondents would submit that since the petitioner has attempted and accepted bribe, the impugned order of suspension came to be passed rightly.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.It is the specific stand of the learned counsel appearing for the petitioner that with regard to the alleged acceptance and demand of bribe no criminal prosecution has been launched under the provisions of the Prevention of Corruption Act 1988 and admittedly, the details of the allegations have not been disclosed to the Annexure in the form of Appendix No.II form attached to the order of suspension.

7.The learned Standing Counsel appearing for the respondents is also unable to offer any explanation as to why the Appendix No.II is left blank.

8.This Court in the light of the facts and circumstances is of the view that the impugned order of suspension warrants interference. Hence, the writ petition is partly allowed and the impugned order

dated 06.08.2015 is set aside and the matter is once again remanded to the third respondent to initiate appropriate action strictly in accordance with the relevant norms/ regulations. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Superintending Engineer
TANGEDCO Udumalpet Electricity
Distribution Circle Tiruppur Road
Udumalaipet Tiruppur District.
- 2 The Executive Engineer
Operations & Maintenance TANGEDCO
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- 3 The Assistant Executive
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Tiruppur District.

1 CC to Mr.Ma.P.Thangavel, Advocate SR.No. 42914

1 CC to the Government Pleader, SR.No. 42723

W.P.No.25225 of 2015

And

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RSK (CO)

PSI (18.08.2015)

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