

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.3.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.17478 of 2014
and MP.Nos. 1 and 2 of 2014

M.Manoharan

.. Petitioner

Vs.

1. The Chief Engineer/Personnel
Tamil Nadu Generation and
Distribution Corporation Limited
G35 Section, No.144, Anna Salai
Chennai -600 002
2. The Superintending Engineer
Vellore Electricity Distribution Circle
Tamil Nadu Generation and
Distribution Corporation Limited
Gandhi Nagar, Vellore - 632 606

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus calling for the records relating to the orders in (1) Memo No.0466/Admn.3/A1/F.DVAC/2010 dated 24.09.2010 of the second respondent and (2) Pro.Memo No. 012125 / 621 / G6/ G62/2013-3 dated 01.04.2014 of the first respondent (3) Memo No.012125/621/G.6/G.62/2013-4 dated 24.11.2014 to quash the same and to issue consequential directions to the respondents to reinstate the Petitioner in service with consequential benefits. (Prayer amended as per order dated 23.02.2015 in M.P.1 of 2015)

For Petitioner : Mr.M.Ravi

For Respondent : Mr.M.Fakkir Mohideen

O R D E R

The petitioner was placed under suspension on account of his involvement in a criminal case registered by the Vigilance and Anti Corruption. The suspension was made on 24.9.2010. The petitioner submitted a representation to review the suspension. The application was rejected on the ground that criminal case is pending. Feeling aggrieved by the said order, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The Supreme Court in AJAY KUMAR CHOUDHARY vs UNION OF INDIA THROUGH ITS SECRETARY AND ANOTHER (2015 (2) SCLAE 432) has observed that suspension order should not extend beyond the period of three months.

4. The application submitted by the petitioner for review of suspension was rejected only on the ground that Criminal case is pending. In view of the judgment of the Hon`ble Supreme Court cited supra, I am of the view that the matter requires fresh consideration by the first respondent.

5. In the result, the impugned order is set aside and the matter is remitted to the first respondent for fresh consideration. The petitioner is permitted to make a fresh representation. The first respondent is directed to consider the representation on merits and in the light of the observation made by the Hon`ble Supreme Court in the judgment referred to above. Such exercise shall be completed within a period of three months from the date of receipt of representation.

6. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Chief Engineer/Personnel
Tamil Nadu Generation and
Distribution Corporation Limited
G35 Section, No.144, Anna Salai
Chennai -600 002
2. The Superintending Engineer
Vellore Electricity Distribution Circle
Tamil Nadu Generation and
Distribution Corporation Limited
Gandhi Nagar, Vellore - 632 606

1 cc to Mr.M. Fakkir Mohideen, Advocate, Sr. 13567
1 cc to Mr.M. Ravi, Advocate, sr. 13984

W.P.No.17478 of 2014

AD (CO)

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