



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.12.2016
CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.24556 of 2016

K.Muthusamy

... Petitioner

-vs-

1. The Chief Engineer (Distribution),
TANGEDCO Limited,
Thennur, Trichy-17.
2. The Chief Engineer (Personal),
TANGEDCO Limited,
No.144, N.P.K.RR Maaligai,
Anna Salai, Chennai-2.
3. The Superintending Engineer,
TANGEDCO Limited,
TEDC/Metro/Trichy.
4. The Executive Engineer,
O&M, Thuraiyur,
Trichy District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 22.08.2016 and his further representations dated 08.09.2016 and 14.12.2016 and pass necessary orders for revoking the order of suspension passed by the 3rd respondent in Memo No.200/Admin.IV/A.1/F.DP/2011 dated 13.05.2011 and for reinstating him into service by treating the period of his suspension as duty period as per TNEB Regulation No.9 within the time frame fixed by this Court.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.Balasubramanian

O R D E R

This petition has been filed, seeking to direct the respondents to consider the representation of the petitioner dated 22.08.2016 and his further representations dated 08.09.2016 and 14.12.2016 and pass necessary orders for revoking the order of suspension passed by the 3rd respondent in Memo No.200/Admin.IV/A.1/F.DP/2011 dated 13.05.2011 and for reinstating



him into service by treating the period of his suspension as duty period as per TNEB Regulation No.9 within the time frame fixed by this Court.

2. The case of the petitioner is that he has been placed under suspension on the ground that he has been facing a criminal case and subsequently, he has been acquitted of the charges by the learned Special Court for P.C.Act Cases, Trichy in Spl.Case No.2 of 2013 on 18.05.2016 and therefore, he may be directed to be reinstated into service forthwith.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

4. It is not in dispute that the petitioner has been acquitted from the criminal case by the Trial Court. However, mere acquittal by the Criminal Court is not a bar for the respondents to initiate disciplinary action. In the present case on hand, the petitioner has been suspended pursuant to pendency of criminal case against him and since the Trial Court has already acquitted the petitioner, he is entitled to reinstatement into service with all benefits.

5. Accordingly, this Writ Petition is disposed of with a direction to the respondents to reinstate the petitioner into service with all benefits within a period of four weeks from the date of receipt of a copy of this order. It is needless to state that after reinstatement, it is open to the respondents to proceed against the petitioner departmentally. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Chief Engineer (Distribution),
TANGEDCO Limited,
Thenur, Trichy-17.
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4. The Executive Engineer,
O&M, Thuraiyur,
Trichy District.

+1cc to Mr.R.Subramanian, Advocate Sr.No.82639

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21.12.2016

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