



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.2603 of 2013

and

M.P (MD) Nos.1 and 2 of 2013

R.Pandian

.. Petitioner

vs.

1. The Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation
and Distribution Corporation Ltd.,
Rep. By its Chief Engineer(Personal),
Anna Salai, Chennai- 600 002.

2. The Divisional Engineer,
Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation
and Distribution Corporation Ltd.,
Thirumaiyam, Pudukkottai.
Formerly called as Managing Director
of Thirumaiyam Rural Electric
Co-operative Society(P.A.63),
Thirumaiyam, Pudukkottai District.

3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation
and Distribution Corporation Ltd.,
Pudukkottai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the first respondent passed in Memo No.062787/CC/G.44/G.441/2002-2, dated 05.03.2008 and the impugned order of the second respondent passed in RC.No.3614/99/A2(1), dated 29.10.1999 and quash the same and consequently directing the respondents to reinstate the petitioner with all attendant and monetary benefits and also to regularize the period of suspension as duty.

**ORDER**

The petitioner Mr.R.Pandian, while serving as Assistant Engineer, was placed under suspension by the Managing Director of Thirumaiyam Rural Electric Co-operative Society (P.A.63), Thirumaiyam, vide order, dated 29.10.1999. After sometime, the Tamil Nadu Electricity Board had taken over the affairs of the employees of the said Society. Consequently, all the employees were absorbed by the Tamil Nadu Electricity Board on 06.04.2002. As the petitioner was kept under prolonged suspension without even payment of proper subsistence allowance, he came to this Court with W.P(MD)No.5536 of 2009 seeking direction to the respondents therein to pay 100% subsistence allowance. In which, finding that pendency of criminal case against the petitioner on the file of the learned Chief Judicial Magistrate in C.C.No.2 of 2001 was not due to any fault on the part of the petitioner, this Court issued direction to the respondents to pay subsistence allowance to the petitioner and finally, he was paid with 100% subsistence allowance. Although the petitioner has been receiving the entire salary namely 100% subsistence allowance, since he was kept under prolonged suspension from 1999 till now, for a period of 17 years on the ground that pendency of criminal case prohibits reinstatement, it is the claim of the petitioner before this Court that the criminal case in Special C.C.No.02 of 2001 on the file of the Chief Judicial Magistrate, Pudukkottai, filed by the Additional Superintendent of Police, Vigilance and Anti-Corruption, Thanjavur (i/c) Pudukkottai in Crime No.7 of 1999 pending against the petitioner, came to an end by discharging the petitioner from all the charges holding that the prosecution has failed to establish the guilt of the petitioner, vide judgment dated, 29.01.2016 and therefore, the petitioner should be reinstated into service.

2. At this point of time, the learned counsel for the respondents submitted that the petitioner's representation would be considered in the light of the judgment given by the learned Chief Judicial Magistrate, Pudukkottai. He further submitted that if the petitioner comes forward with the representation mentioning that the criminal case registered against him by the Vigilance and Anti-Corruption Department, Thanjavur, has come to an end dismissing all the charges, the same would be considered on merits.

3. Heard the submissions made on either side and perused the materials available on records.

4. In view of the fact the petitioner has been kept under prolonged suspension and paying with full salary, namely 100% subsistence allowance, for a long time, for the simple reason that a criminal case against him is pending and that now the said criminal case is ended in acquittal in Special C.C.No.02 of 2001, vide judgment of



the Chief Judicial Magistrate, Pudukkottai, the order of suspension is liable to be set aside.

5. In the result, the Writ Petition is allowed and the impugned order of suspension passed by the second respondent, dated 29.10.1999, is hereby set aside and the respondents are directed to reinstate the petitioner into service with all attendant and monetary benefits. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation
and Distribution Corporation Ltd.,
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3. The Superintending Engineer,
Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation
and Distribution Corporation Ltd.,
Pudukkottai.

+ 1 CC TO MR.C.JEGANATHAN, ADVOCATE IN SR No. 31896

+ 1 CC TO MR.M.BALASUBRAMANIAN, ADVOCATE IN SR No. 32213

PM

TE/AAL-MPA/SAR-III : 28/06/2016 : 3P/6C

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