

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10423 of 2017

A.Babu

... Petitioner

vs

The Chief Engineer,  
Distribution Erode Region,  
Erode - 9.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the order of the respondent dated 21.01.2014 in Memo No.001165/44/Adm.II/B1/2014-1 and to quash the suspension order based on the Judgment of the Apex Court in AIR 2015 SC page 2389 in Ajay Kumar Choudhary vs. Union of India.

For Petitioner : Mr.A.V.Somasundaram

For Respondents : Mr.P.R.Dhilipkumar

O R D E R

The Writ Petition is filed challenging the order of suspension placing the petitioner under suspension.

2.The writ petitioner was holding the post of Assistant Executive Engineer in Operation and Maintenance at Paramathivelur of Namakkal Electricity Distribution Circle, Namakkal District. The writ petitioner is arrayed as an accused in the criminal case registered in Cr.No.1/AC/2014 by Vigilance and Anti-Corruption Wing, Namakkal District. The charge sheet also was filed and the case was re-numbered as C.C.No.8 of 2015.

3.The learned counsel for the writ petitioner submits that the trial has also been commenced in the criminal case and is in progress.

4.Under these circumstances, quashing of the suspension will certainly cause prejudice to the public interest. Suspension is

not a punishment and especially the case on hand relating to the allegation of corruption against the writ petitioner and already charge sheet has been filed and the trial has commenced before the criminal court. Such being the factum of this case, this Court is not inclined to consider the ground raised in this Writ Petition. Accordingly, the writ petitioner cannot be allowed to continue in service during the pendency of the criminal trial.

5.Thus, the Writ Petition is devoid of merits and accordingly, stands dismissed. However no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ah/rpa

To

The Chief Engineer,  
Distribution Erode Region,  
Erode - 9.

+1cc to Mr.P.R.Dhilip Kumar, Advocate SR.No.46088  
+1cc to Mr.A.V.Somasundaran, Advocate SR.No.46413

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RSI (CO)  
GN(20/07/2017)

सत्यमेव जयते

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