

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.19710 of 2017

and

WMP.Nos.21261 and 21262 of 2017

G.Selvamoorthy

... Petitioner

Versus

1.The Executive Engineer, (O & M)

Tamil Nadu Generation and Electricity

Distribution Cooperation Ltd.,

Tamil Nadu Electricity Board

Vandhavasi 604 408

Thriuvannamalai District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari Mandamus to calling for the entire records relating to the impugned order passed by the respondent in his proceedings Ku.Aa.No.38/EE/O&M/V.Va/Ni.Mae/Ni.U.1/Ko.Kattu/2017, dated 24.07.2017 and quash the same and consequently direct the respondent to reinstate the petitioner into service with back wages, attendant benefits and other monetary benefits to the petitioner.

For Petitioner

: Mr.C.Prakasam

For Respondent

: Mrs.R.Varalakshmi

Special Government Pleader

O R D E R

The order of suspension dated 24.07.2017 is under challenge in this writ petition. On the basis of certain allegations against the writ petitioner and his involvements in a criminal case, the departmental disciplinary proceedings are initiated by the respondent and accordingly the petitioner was placed under suspension. Suspension is the initiation of disciplinary proceedings and the order of suspension cannot be construed as punishment.

2. The employee under suspension has to face the charges and enquiry in accordance with the Rules and mere suspension will not provide a case for the writ petitioner to file this present writ

petition unless it is established that the authorities, who issued the order of suspension has no jurisdiction or is not competent to issue the order or it is a case of malafides. Even, in case of raising the allegations of malafides the authority, against whom such allegation is raised, has to be impleaded in the writ petition in his personal capacity in the absence of any such legal grounds, the order of suspension issued in accordance with Rules need not be interfered with.

3. The disciplinary proceedings initiated against the writ petitioner has to be concluded as early as possible by following the procedures under the Rules. In such, view of the matter, no further adjudication needs to be entertained in this writ petition.

4. Accordingly the writ petition stands dismissed. Consequently, connected the miscellaneous petitions are closed. However, no order as to costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

dna

To

1.The Executive Engineer, (O & M)
Tamil Nadu Generation and Electricity
Distribution Co-operation Ltd.,
Tamil Nadu Electricity Board
Vandhavasi 604 408
Thriuvannamalai District.

+1 cc to M/S.C.PRAKASAM Advocate SR.NO. 55103/2017

+1 cc to R.VARALAKSHMI Advocate SR.NO. 55570/2017

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RD 01/09/2017