



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:10.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A (MD) No.1025 of 2017
and
C.M.P. (MD) .No.7140 of 2017

1.The Chief Engineer,
TANGEDCO Limited,
Thenur, Trichy - 17.

2.The Chief Engineer (Personnel),
TANGEDCO Limited,
No.144, N.P.K.RR.Maalgai,
Anna Salai, Chennai - 2.

3.The Superintending Engineer,
TANGEDCO Limited,
TEDC / Metro / Trichy.

4.The Executive Engineer,
O & M, Thuraiyur,
Trichy District.

.. Appellants

Vs.

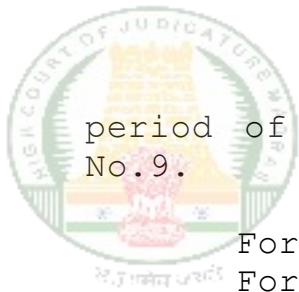
K.Muthusamy

.. Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, against the order dated 21.12.2016 made in W.P.(MD).No.24556 of 2016, on the file of this Court.

Prayer in WP(MD) . 24556/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS or any other appropriate Writ or order or Direction particularly in the nature of Writ, 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 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.

For Appellants
For respondent

: M/S.S.Srimathy
: Mr.R.Subramanian

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JUDGMENT

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This Writ Appeal is directed against the order dated 21.12.2016 made in W.P.(MD).No.24556 of 2016 filed by the respondent herein.

2. The respondent herein was placed under suspension, on account of facing corruption charges. He was subsequently acquitted on 18.05.2016. The learned Special Judge, therefore, directed the appellants herein to reinstate the respondent into service with all benefits. Aggrieved by the said direction, the present writ appeal has been filed.

3. The case of the appellants is that questioning the Judgment of acquittal dated 18.05.2016, Criminal Appeal No.461 of 2016 has been filed and the same is pending.

4. According to the learned Standing Counsel for the appellants, the appeal is a continuation of the original proceedings and therefore, directing the reinstatement of employee with all attendant benefits would not arise. We see some force in the submission of the learned counsel for the appellants. The respondent was suspended on account of his implication in a criminal case. He has since been acquitted. Therefore, the learned Judge was right in directing his reinstatement. However, in view of lodging of an appeal questioning the acquittal, attendant benefits could not have been directed to be ordered. The employee is however entitled all service benefits with effect from 18.05.2016.

5. Therefore we partly allow this Writ Appeal by modifying the order dated 21.12.2015 made in W.P.(MD).No.24556 of 2015 to the effect that the respondent is entitled to be reinstated, but that he would be entitled to all benefits with effect from 18.05.2016 alone. The question of treating the period of suspension and payment of other benefits would depend upon the outcome of the Criminal Appeal. This Court is not interfering with the liberty given to the appellants to proceed against the writ petitioner departmentally.

<https://hcservices.ecourts.gov.in/hcservices/>

6. This Writ Appeal is partly allowed with this



modification. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True copy/

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Sub Assistant Registrar

+1cc to Mr.S.M.S.JOHNNY BASHA,Advocate,SR. 71930

+1cc to Mr.R.SUBRAMANIAN,Advocate ,SR.72104

W.A (MD) No.1025 of 2017

and

C.M.P. (MD) .No.7140 of 2017

10.08.2017

km/dss

KK/RSK/SAR 2/12.09.2017/ 3P- 3C