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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.1026 of 2017  
and  
C.M.P. (MD) .No.7141 of 2017

- 1.The Chief Engineer,  
TANGEDCO (TNEB - (Distribution),  
Thennur, Trichy District.
  - 2.The Superintending Engineer,  
TANGEDCO,  
Trichy Electricity Distribution Circle (Metro),  
Mannapuram, Trichy - 20. .. Appellants
- Vs.

K.Chinnappa .. Respondent

**PRAYER:** Writ Appeal is filed under Clause 15 of the Letter Patent Act, against the order dated 19.12.2016 made in W.P.(MD).No.24276 of 2016, on the file of this Court.

**Prayer in WP(MD) . 24276/ 2016 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to revoke the suspension of the petitioner dated 13.05.2011 and permit the petitioner to discharge his duties as Assistant Engineer at the respondent office by considering the representation of the petitioner dated 17.08.2016 within a stipulated time that may fixed by this Honble Court.

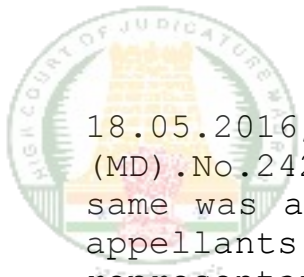
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|----------------|-----------------------------------------------|
| For Appellants | : M/S.S.Srimathy                              |
| For respondent | : Mr.Balakrishnan,<br>for Mr.S.C.Herold Singh |

**JUDGMENT**

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

This Writ Appeal is directed against the order dated 19.12.2016 made in W.P(MD).No.24276 of 2016 filed by the respondent herein.

2. The respondent herein was suspended from service following his implication in a criminal case. He was acquitted on



18.05.2016, but, he was not reinstated. Therefore, he filed W.P (MD).No.24276 of 2016 seeking revocation of his suspension. The same was allowed. The learned single Judge has only directed the appellants to pass an order on the writ petitioner's representation dated 17.08.2016. No other relief has been granted.

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3. The appellants contended that Criminal Appeal in Crl.A.No. 461 of 2016, challenging the Judgment of acquittal has been filed and that it is pending and therefore, suspension cannot be directed to be revoked.

4. We cannot agree with the said submission. The writ petitioner was suspended only because he was implicated in a criminal case. In view of the acquittal order of suspension cannot be allowed to continue. Therefore the learned single Judge was right in indicating that the suspension has to be revoked.

5. The appellants apprehend that if suspension is revoked, the writ petitioner would seek regularisation of entire period of suspension as duty period and also monetary benefits. No such directions have been issued by the learned single Judge. In any event, the writ petitioner would be entitled to all benefits, since the date of acquittal i.e. 18.05.2016. Of course, the question of regularising the suspension period and payment of monetary benefits have to await the outcome of the Criminal Appeal.

6. We are of the view that this Writ Appeal has been filed on a mere apprehension. We find no merits in the Writ Appeal and it stands dismissed. No costs. Consequently, connected, Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

+1cc to Mr.S.C.HEROLD SINGH, Advocate, SR. 71939

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