



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.659 of 2017
and
C.M.P. (MD) No.5345 of 2017

1. The Superintending Engineer
Ramanathapuram Electricity Distribution Circle
Ramanathapuram
2. The Chief Engineer
Distribution, TNEB
Madurai Region, Madurai
3. The Chief Engineer
TNEB, Anna Salai, Chennai - 2 ... Appellants/ Respondent

-vs-

P.Murugan
Junior Engineer
(Distribution) TNEB, Kadaladi Section
Ramanathapuram Electricity Distribution
Circle, Ramanapuram ... Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 15.12.2016 in W.P.(MD).No.7562 of 2010, on the file of this Court.

Prayer in WP(MD). 7562/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, directing the Respondents to call for the records pertained to the suspension proceeding of the 1st Respondent notice in No.346/AADO/Adm.1/A2/2009, dt. 27-08-2009.

For Appellants : Mr.S.M.S.Johnny Basha

J U D G M E N T

[Judgment of the Court by T.S.SIVAGNANAM, J.]

This writ appeal by the Electricity Board is directed against the order, dated 15.12.2016, made in W.P.(MD) No.7562 of 2010, which was filed challenging the order of suspension, dated



27.08.2009, passed by the first appellant against the respondent / writ petitioner.

2. The reason for suspension being a criminal case was registered against the respondent. The writ petition, which was filed in the year 2010, came to be disposed of only in the year 2016. The Writ Court took note of fact that seven years have passed by after passing the order of suspension and set aside the order of suspension and granted liberty to the appellant - Electricity Board to proceed against the respondent by way of disciplinary proceedings in the manner known law. The said order is put to challenge in this appeal.

3. It is admitted by the learned counsel for the appellant - Electricity Board that the trial in the criminal case has been completed. Therefore, we are of the view that it is not conducive for the appellant - Electricity Board in keeping the respondent under suspension and paying full salary without extracting work from him and therefore, while affirming the order passed by the Writ Court, we give liberty to the appellant - Electricity Board to post the respondent in a non-sensitive post at far away place.

4. With the above observations, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.S.M.S.Johnny Basha, Advocate Sr.No.60282

IA/KRK

VB/GT/SAR3/27.06.2017/2P/2C

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