

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7891 of 2018

R.Rukmangathan

... Petitioner

Vs.

1.The Chief Engineer Distribution/South,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.

2.The Chairman cum Managing Director,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records and quash the impugned order of suspension issued by the first respondent vide Memo No.003584/138/ADM.O/B1/2010 dated 08.03.2010 suspending the petitioner with effect from 06.03.2010 AN and consequently direct the first respondent to reinstate the petitioner forthwith in any non-sensitive post in the rank of Assistant Executive Engineer within time frame.

For Petitioner :: Mr.K.Ravi Anantha Padmanaban
For Respondents :: Mr.P.R.Dhilip Kumar
Standing Counsel for TNEB

O R D E R

The Order of suspension issued by the first respondent in proceedings dated 08.03.2010 is under challenge in this writ petition.

2.The writ petitioner is employed as Assistant Executive Engineer in the respondent Board and on account of registration of a criminal case under the provisions of the Prevention of Corruption Act, the writ petitioner was placed under suspension in proceedings dated 08.03.2010. The charge sheet in the criminal case was filed in C.C.No.20 of 2010 on the file of the the Chief Judicial Magistrate, Chengalpet. The criminal case is

pending and yet to be disposed of. The present writ petition is filed challenging the order of suspension on the ground that the writ petitioner is continuing in suspension for more than eight years and therefore, he may be reinstated in service.

3.The learned counsel appearing on behalf of the respondents states that the criminal case is pending against the writ petitioner and the allegation against the writ petitioner is demand and acceptance of bribe of Rs.12,000/- (Rupees Twelve Thousand Only) for floating and forwarding of the chit agreement and for sanctioning the bills of one Thiru.Ayyappan, Labour Contractor. Therefore, no leniency is to be shown to the writ petitioner.

4.This Court is of an opinion that prolonged suspension is bad in law. Subsistence Allowances are paid for an unspecified period, during the period of suspension causing financial loss to the State Exchequer. Keeping an employee under suspension for an unspecified period is not preferable. Suspension is not a punishment. When there is a long delay in conclusion of the criminal case, then the employees shall be reinstated and posted in any one of the non-sensitive post subject to the final result in the criminal case.

5.Contrarily, if an employee is kept out of an employment and the subsistence allowance is paid indefinitely, certainly, the same would cause financial loss to the organization. The respondent Board is a vast Organization, in which there is a possibility of posting the writ petitioner in any one of the non-sensitive place and in any one of the non-sensitive post.

6.In this view of the matter, this Court is of an opinion that the writ petition deserves consideration. Accordingly, the order of suspension issued by the first respondent in Memo dated 08.03.2010 is quashed. The respondents are directed to reinstate the writ petitioner in service and post him in any one of the non-sensitive post, subject to the out-come of the disciplinary proceedings as well as subject to the out-come of the criminal case.

7.Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

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To

1.The Chief Engineer Distribution/South,
TamilNadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.

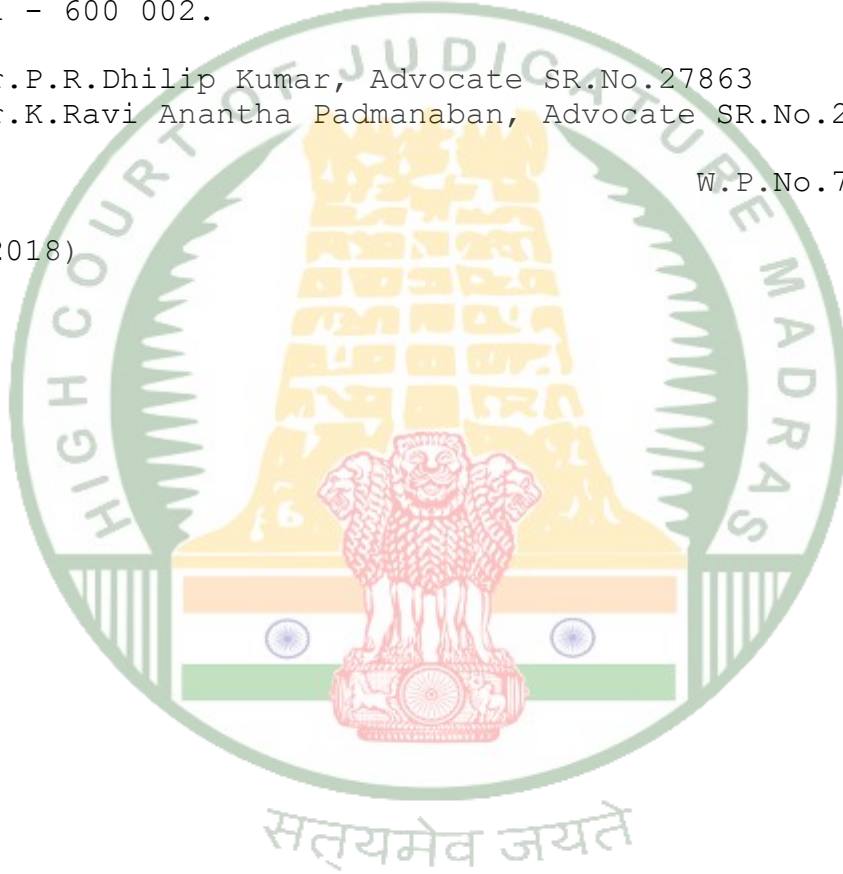
2.The Chairman cum Managing Director,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

+1cc to Mr.P.R.Dhilip Kumar, Advocate SR.No.27863

+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate SR.No.27625

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GMI (CO)
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