



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.12.2018

CORAM
THE HONOURABLE DR.JUSTICE S.VIMALA

W.P.No.12088 of 2018

K.Arivazhagan

... Petitioner

Versus

1.The Chairman-cum-Managing Director
TANGEDCO, 144, Anna Salai, Chennai 600 002.

2.The Superintending Engineer,
CEDC/South - II, TANGEDCO,
110, KVSS TNEB Complex, KK.Nagar,
Chennai - 600 078.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to reinstate the petitioners in TANGEDCO in the post of Assistant Executive Engineer in any non-sensitive post within a time frame with attendant benefits in the light of his recent representation dated 02.05.2018 made to the respondents.

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

ORDER

The petitioner, who was working in TANGEDCO, was placed under suspension from 11.08.2011 on charges of corruption. In respect to the said charge, a criminal case was filed and it is pending before the learned Chief Judicial Magistrate Court at Thiruvallur. Even after lapse of more than seven years, no final order has been passed by the respondents. The grievance of the petitioner is that his suspension is prolonged and therefore, he made a representation dated 02.05.2018 seeking to reinstate him in service. Since the petitioner's representation was not considered by the respondents, the present writ petition has been filed.

2. Learned counsel for the petitioner contends that the prolonged suspension is against the Judgement rendered by the Supreme Court reported in (2015) 7 SCC 291 "Ajay Kumar Choudhary Vs Union of India", wherein it was held as follows:-

"We, therefore, direct that the currency of a suspension order should not extend beyond three months, if within this period, the Memorandum of Charges / Charge sheet is not served on the delinquent



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officer / employee; if the Memorandum of Charges / Charge sheet is served, a reasoned order must be passed for the extension of suspension. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution."

3. Mr.P.R.Dhilip Kumar, learned Standing Counsel, takes notice for the respondents and submits that a criminal case is pending against the petitioner.

4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the materials on record.

5. Following the ratio laid down in the aforesaid Judgement of the Supreme Court, the order of suspension dated 16.08.2011 is ordered to be revoked and the respondents are directed to reinstate the petitioner in service and post him in any non-sensitive post, within a period of eight weeks from the date of receipt of a copy of this order. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

klt/gln

To

1.The Chairman-cum-Managing Director
TANGEDCO, 144, Anna Salai, Chennai 600 002.

2.The Superintending Engineer,
CEDC/South - II, TANGEDCO,
110, KVSS TNEB Complex, KK.Nagar,
Chennai - 600 078.

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.83547

+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate, S.R.No.83089

W.P.No.12088 of 2018

rrs 13/12/2018