

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.13365 of 2018and
W.M.P.Nos.15739 and 15740 of 2018

R.Marudhamani

... Petitioner

Versus

1.The Chairman

Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd., (TANGEDCO)
NPKRR Maaligai, No.144 Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,

Chennai Electricity Distribution circle/South - II,
Tamil Nadu Generation and Electricity Distribution
Corporation Ltd., (TANGEDCO),
K.K.Nagar, Chennai 600 078.

3.The Chief Engineer - Personnel,

Tamil Nadu Generation and Electricity
Distribution Corporation Ltd., (TANGEDCO),

NPKRR Maaligai, No.144 Anna Salai,
Chennai - 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the second respondent in his Memo No.716/Adm.I/A4/F.DVAC-SUS/2012, dated 06.07.2012 and quash the same and consequently direct the respondents to reinstate the petitioner into service with backwages, all attendant benefits and other monetary benefits together with continuity of service to the petitioner.

For Petitioner : Mr.C.Prakasm

For Respondents: Mr.P.R.Dhilip Kumar,
Standing Counsel.

ORDER

The petitioner herein was placed under suspension by an order dated 06.07.2012. The petitioner was placed under deemed suspension, in respect of the allegation that the petitioner demanded a sum of Rs.3,000/- as illegal gratification from one Sathasivam. The petitioner was arrested by the Anti Vigilance Corruption Police on 05.07.2012 and he was produced before the Special Court for Cases under the Prevention of Corruption Act and remanded to Judicial custody on the same day. Indicating Sub-regulation (b) of Regulation 9 of the Tamil Nadu Electricity Board (D & A) Regulations, the petitioner was deemed to have been suspended from service with effect from date of detention (i.e., on 05.07.2012). This suspension order is under challenge in this writ petition on the ground of prolonged suspension.

2.The learned counsel for the petitioner would also rely upon the two Division Bench Judgments of this Court in W.A.1255 of 2017, (The Chairman, TNEB and another Vs. K.Gajendran), dated 03.10.2017 and in W.A.No.17 of 2017 (Chairman, TNEB and others Vs. R.Manivel and another), dated 25.10.2017, under which the orders of suspension were ordered to be revoked, based upon the decision of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary Vs Union of India reported [(2015) 7 SCC 291] and direction was given to consider the case of respective parties and to post the petitioners therein in any non-sensitive post. The relevant portion in the decision of Hon'ble Supreme Court in Ajay Kumar Choudhary case, is 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 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. Heard the learned counsel on either side and perused the materials available on record.

4. Under the circumstances, following the principles laid down in the aforesaid landmark judgment of the Supreme Court, the order of suspension dated 06.07.2012 is directed to be revoked and the respondents are directed to reinstate the petitioner in service and post him 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. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Chairman
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Chennai - 600 002.
- +1 CC to Mr.C.Prakasm, Advocate sr 83473.
+1 CC to Mr.P.R.Dhilipkumar, Advocate sr 83546.

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SP(18/12/2018)