

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.12.2018

CORAM
THE HONOURABLE DR.JUSTICE S.VIMALA

W.P.No.14323 of 2018

D.Saravanan

... Petitioner

Versus

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

2.The Superintending Engineer,
CEDC/West, TANGEDCO, Tirumangalam
Chennai - 600 040.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for records and quashing the impugned order of suspension passed by the 2nd respondent vide Memo No. 016180/538/SE/CEDC/West/ADM.O/ADM.II/A1/F. suspension/2015 dated 14.09.2015 and consequently direct the respondents to reinstate the petitioner in the post of Assistant Engineer, TANGEDCO within time frame.

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

ORDER

The petitioner, who was working in TANGEDCO, was placed under suspension from 11.09.2015 on charges of corruption. In respect to the said charge, a criminal case was filed and it is pending investigation on the file of the Vigilance and Anti Corruption Department. After three months of suspension, the petitioner submitted a representation in December 2015, to the respondents, which was not considered. The grievance of the petitioner is that his suspension being prolonged and, therefore, he has filed the present writ petition to quash the suspension order dated 14.09.2015 and to direct the respondents to reinstate the petitioner in service.

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 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. Considering the facts and circumstances, following the ratio laid down in the aforesaid Judgement of the Supreme Court, the order of suspension dated 14.09.2015 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, NPKRR Malagai,
144, Anna Salai, Chennai-600 002.

2.The Superintending Engineer,
CEDC/West, TANGEDCO, Tirumangalam
Chennai - 600 040.

+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate, S.R.No.83091

+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.83548

W.P.No.14323 of 2018

rrs 13/12/2018