

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.14920 of 2018

and W.M.P.No.17637 of 2018

G.Sampanki

... Petitioner

versus

- 1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer - Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer - Distribution,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
Villupuram Region,
Villupuram.
4. The Superintending Engineer,
Thiruvannamalai Electricity Distribution Circle
(TANGEDCO)
Thiruvannamalai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, to call for the records of the 4th respondent in Memo No.PR.223/Adm.3/A.1/F.Suspension/2014, dated 02.08.2014 and quash the same and consequently permit the petitioner to rejoin duty/service as Junior Engineer with all attendant/consequential benefits.

For Petitioner

: Mr.S.Sai Shankar

For Respondents

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

ORDER

The petitioner was appointed as Helper in the respondent Department in the year 1989 and subsequently, he was promoted as JuniorEngineer-Grade I. According to the petitioner, a false complaint has been lodged against him, based on which, he was arrested by the Vigilance and Anti-corruption, Thiruvannamalai, on 30.07.2014. Thereafter, an order of suspension was issued by the 4th respondent on 02.08.2014. Challenging the same, the present writ petition has been filed seeking to quash the order of suspension.

2. The learned counsel appearing for the petitioner submitted that the petitioner is put under prolonged suspension without any progress. It is specifically stated that no departmental proceedings have been initiated and only criminal case is pending, where examination of witnesses is going on. It is not known, when the criminal case will be over. In support of his contention, the learned counsel has also relied upon a decision of this Court in W.P.Nos.6741 to 6743 of 2018 dated 18.04.2018, where, this Court directed to take effective steps to revoke the orders of suspension against the petitioners therein and also reinstate the petitioners. Relying upon the said decision, the learned counsel seeks to quash the order of suspension dated 02.08.2014.

3. Orders passed by the Courts have to be complied with by the statutory authorities. Once this Court has passed an order in W.P.Nos.6741 to 6743 of 2018 to revoke the order of suspension, the respondents were duty bound to comply with the same.

4. Moreover, the Hon'ble Supreme Court in the case of "Ajay Kumar Choudhary Vs Union of India" reported in (2015) 7 SCC 291 and "State of Tamil Nadu Vs Pramod Kumar" reported in 2018 SCC Online SC 1079, 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."

5. Considering the facts and circumstances of this case, this writ petition is allowed in the light of the order passed in W.P.Nos.6741 to 6743 of 2018 dated 18.04.2018 and the

respondents are directed to revoke the order of suspension and to reinstate the petitioner in any non-sensitive post/place and orders to that effect be passed, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

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Thiruvannamalai.

W.P.No.14920 of 2018

A.SK(25/01/2019)

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