

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.12.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 15123 OF 2018

AND

W.M.P. NO. 17883 OF 2018

R.Sukumar

.. Petitioner

- Vs -

1. The Chairman
Tamil Nadu Generation &
Distribution Corporation Ltd.
(TANGEDCO), NPKKR Maaligai
144, Anna Salai, Chennai 600 002.

2. The Chief Engineer
Tamil Nadu Generation &
Distribution Corporation Ltd.
(TANGEDCO) - South
NPKKR Maaligai, 144, Anna Salai,
Chennai 600 002.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified mandamus calling for the records of the 2nd respondent in Memo No.001492/35/ADMO/B1/2014 dated 4.2.2014 and quash the same and consequently permit the petitioner to rejoin duty/service as Assistant Executive Engineer with all attendant/consequential benefits.

For Petitioner : Mr. A.Jenasenan

For Respondents: Mr. P.R.Dhilipkumar, Std. Counsel

ORDER

Invoking the provisions of sub-regulation (a) of Regulation 9 of the Tamil Nadu Electricity Board Employees (Discipline and Appeal) Regulations, the petitioner-R.Sukumar, who is the Assistant Executive Engineer was placed under suspension, until further orders by the order of the second respondent, dated 04.02.2014.

2. The order of suspension reads that a criminal case is pending against the petitioner herein under Section 7 of the Prevention of Corruption Act, 1988. Seeking revocation of suspension contending that the suspension is a prolonged one, this writ petition has been filed.

3. Heard both sides.

4. The learned counsel appearing for the petitioner submits that prolonged suspension is illegal and therefore, the suspension must be revoked; it is also stated that charge sheet is filed and the trial is yet to commence.

5. The learned standing counsel appearing for the respondents was heard on the submissions made by the learned counsel appearing for the petitioner.

6. It is not known when the trial will commence and when it will end. A perusal of the materials available on record would disclose that no order has been passed reviewing the order of suspension periodically. There is no order justifying the extension of suspension, after three months, as contemplated in the case of *Ajay Kumar Choudhary v. Union of India* (2015) 7 SCC 291.

7. It is possible to protect the interest of the respondents also by posting the petitioner in a non-sensitive post or by transferring him to any other department or by imposing any appropriate conditions, if in case the order of suspension is ordered to be revoked, as held in *Ajay Kumar's* case (supra).

8. Under such circumstances, the respondents are directed to revoke the order of suspension passed against the petitioner by imposing appropriate conditions and by posting him in any non-sensitive post. Such an order shall be passed by the respondents forthwith, not later than two weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Chairman
Tamil Nadu Generation &
Distribution Corporation Ltd.
(TANGEDCO), NPKKR Maaligai
144, Anna Salai, Chennai 600 002.

2. The Chief Engineer
Tamil Nadu Generation &
Distribution Corporation Ltd.
(TANGEDCO) - South
NPKKR Maaligai, 144, Anna Salai,
Chennai 600 002.

+1cc to Mr.A.Jenasenan, Advocate, S.R.No.89693

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.87765

W.P. NO. 15123 OF 2018

EV(CO)

rrs 21/01/2019



WEB COPY