

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.12.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA
Writ Petition No.15128 of 2018
& WMP Nos.17888 & 17889 of 2018

K.Sivakumar

... Petitioner

..vs..

1. The Chairman, Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
NPKRR Maaligai, 144 Annasalai,
Chennai 600 002
 2. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
Tiruvannamalai Electricity Distribution Circle,
Vengaikkal, Tiruvannamalai District
 3. The Chief Engineer-Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
NPKRR Maaligai, 144 Anna Salai,
Chennai 600 002
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in Ku.A.No.06872/Ni.Bi.U.1/Ko.V.Sha.A.C./2011-1 dated 06.05.2011 and the consequential order of the third respondent in Memo No.023359/202/G7/G7(1)/2014-10, dated 23.04.2014, to quash the same and consequently, to permit the petitioner to rejoin duty / service as Commercial Inspector with all attendant / consequential benefits.

For Petitioner : Mr. Vijayan Subramanian
For Respondents : Mr. P.R.Dhilipkumar, Sg Counsel.

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O R D E R

The petitioner-K.Sivakumar, Commercial Assistant, was placed under suspension with effect from 06.05.2011. Charge sheet was filed in Crime No.7 of 2011 before the learned Chief Judicial Magistrate, Thiruvannamalai, during 2014. Though charge sheet has been filed in the year 2014, the trial is not yet concluded. Despite the orders passed by this Court in W.P.No.4830 of 2014, the

respondents have rejected the request of the petitioner with revocation of suspension on the ground that the criminal case is pending.

1.1. Challenging the rejection order and insisting on the revocation of suspension, this writ petition is filed.

2. Heard both sides.

3. Pending criminal case may be a ground for refusal to revoke the order of suspension, provided there is a reasonable certainty of concluding the trial within a reasonable time. Right to speedy trial is the fundamental right of the accused, so also the right to speedy enquiry. When the speedy trial is not ensured, it may not be proper to extend the order of suspension for more than eight years.

4. The respondents are expected to pass a reasoned order giving reasons for extension of suspension order.

4.1. Though so many decisions of the Hon'ble Apex Court is quoted in the impugned order, the latest one, is the one reported in the case of Ajay Kumar Choudhary v. Union of India (2015) 7 SCC 291. No doubt a person involved in a criminal case may be asked to wait, but not indefinitely.

5. Under such circumstances, the impugned order is set-aside and the the respondents are directed to revoke the order of suspension passed against the petitioner by imposing appropriate terms and 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.

Dr. S.VIMALA, J.,
srk

6. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected WMPs are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

srk

To

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A.SK(11/01/2019)