

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.31550 of 2018 and
WMP.36766 of 2018

M.Nagarajan

... Petitioner

Versus

1.The Chairman & Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,
CEDC North,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
144, Anna Salai, Chennai 600 002.

3.The Executive Engineer - O & M,
O/o Executive Engineer/ O&M/ Perambur,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
CEDC North, Perambur, Chennai 600 011.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent in Memo No.EE/O&M/PBR/ADM/Asst.3F-DVAC/D 118/17, dated 13.05.2017 and quash the same and consequently 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.Dhilip Kumar, (for R1 & R2)
Standing Counsel.

ORDER

This writ petition has been filed by the petitioner to quash the order dated 13.05.2017 passed by the third respondent and consequently permit the petitioner to rejoin duty / service as

Commercial Inspector with all attendant / consequential benefits.

2. The petitioner, who working as Commercial Inspector, was issued with an order of suspension on 11.05.2017, on the charges of corruption. The said order is under challenge in this writ petition.

3. Learned counsel for the petitioner relies on the Judgment of the Division Bench of this Court in the case "The Commissioner, Erode City Municipal Corporation, Erode District vs. K. Premkumar" made in WA.No.2029 of 2018, by order dated 26.09.2018, wherein it has been held that the prolonged suspension is illegal and the petitioner may be posted in any non-sensitive post by revoking the suspension.

4. Mr.P.R.Dhilip Kumar, learned Standing Counsel takes notice for the respondents.

5. Heard the learned counsel for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel appearing for the respondents and perused the materials available on records.

6. Considering the facts and circumstances of the case and in the light of the Judgment rendered by the Division Bench of this Court cited supra, the respondents are directed to revoke the order of suspension dated 11.05.2017 and place the petitioner in any non sensitive post. However, the disciplinary proceedings shall continue. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

kst/klt

To

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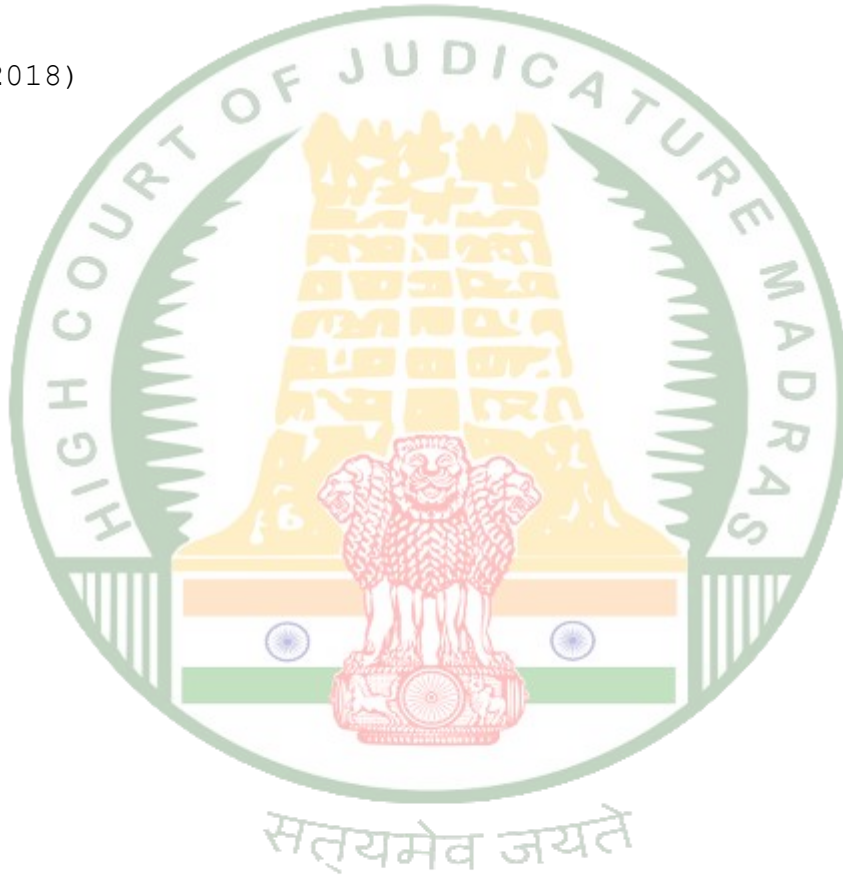
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CEDC North,Perambur, Chennai 600 011.

+1 CC to Mr. Vijayan Subramanian, Advocate sr 84600.

+1 CC to Mr.P.R.Dhilip Kumar, Advocate sr 83023

W.P.No.31550 of 2018

MR(CO)
SP(24/12/2018)



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