

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.01.2019

CORAM
THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.684 of 2019 and W.M.P.No.750 of 2019

N.Govindaraju

...Petitioner

Vs

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

2.The Superintending Engineer, N.E.D.C.,
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO),
Nagapattinam District.

...Respondents

Prayer : 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 second respondent in Memo No.4379/ADM3/A 1/F Suspension/2014 dated 07.04.2014 and quash the same and consequently directing the respondents to permit the petitioner to rejoin duty / service as Commercial Inspector with all attendant / consequential benefits.

For Petitioners : Mr.Vijayan Subramanian

O R D E R

The petitioner was working as Commercial Inspector in the respondent Corporation. On the basis of a criminal case in Crime No.6 of 2014 under Section 7 of the Prevention of Corruption Act, 1988, the petitioner was arrested on 05.07.2014 and was remanded to judicial custody. Based on the said criminal charges, the petitioner was placed under suspension by an order dated 07.07.2014 . It is claimed that he is kept on prolonged suspension for more than 4 years and 6 months. The charge sheet was filed on 15.03.2016 and the criminal case is under trial. Aggrieved by the prolonged suspension, the petitioner has filed the present writ petition. It is contended that the trial also is a prolonged one and right to speedy trial is violated.

2. Learned counsel for the petitioner relies on the the landmark judgment of the Supreme Court in Ajay Kumar Choudhary Vs Union of India (2015) 7 S.C.C.291, wherein the Supreme Court has 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. Though Charge Sheet has been filed, trial is not yet over. There is no order reviewing the suspension.

3.1. Under the circumstances, following the principles laid down in the aforesaid landmark judgment of the Supreme Court, the respondents are directed to revoke the order of suspension dated 07.07.2014, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kst

To

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

2.The Superintending Engineer,
N.E.D.C.,Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO),
Nagapattinam District.

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.2686

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RR(CO)
rrs 18/02/2019