

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :05.02.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3386 of 2019

K.K.Murugan

..Petitioner

vs

- 1.The Chairman
TamilNadu Generation and Distribution Corporation
Limited(TANGEDCO)
NPKRR Maaligai
144, Anna Salai
Chennai - 600 002.
- 2.The Chief Engineer-Personnel
TamilNadu Generation and Distribution Corporation
Limited, (TANGEDCO)
NPKRR Maaligai
144, Anna Salai
Chennai - 600 002.
- 3.The Chief Engineer-Distribution
TamilNadu Generation and Distribution Corporation
Limited(TANGEDCO),
Gandhi Nagar,
Vellore - 632 006
- 4.The Superintending Engineer
Krishnagiri Electricity Distribution Circle
(TANGEDCO)
Krishnagiri - 635 002

..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 4th respondent in Memo No.787/Adm.3/A.1/F.K.K.Murugan/2018 dated 24.12.2018, and quash the same and consequently direct the respondents to permit the petitioner to rejoin duty/service as Commercial Inspector with all attendant/consequential benefits.

For Petitioner : Mr.S.Sai Shankar

For Respondents : Mr.M.Fakkir Mohideen,
standing counsel for Electricity Board

O R D E R

The order of rejection, rejecting the claim of the writ petitioner for revocation of the order of suspension enquiry issued in proceedings dated 04.07.2017 is under challenge in the present writ petition.

2.The writ petitioner states that he was working as Commercial Inspector and on account of a trap arranged a false case has been registered against him under the provisions of the Prevention of Corruption Act. This apart, earlier the writ petitioner approached this Court by filing W.P.No.16190 of 2018 and this Court passed an order on 03.07.2018, directing the authorities to consider the case of the writ petitioner for revocation of suspension. The representation submitted by the writ petitioner in this regard was rejected by the respondents. Thus, the writ petitioner is once again constrained to move the present writ petition.

3.On a perusal of the order impugned, this Court is of an opinion that the writ petitioner was arrested in respect of the allegations of demand and acceptance of bribe. The criminal case was registered by the Department of Vigilance and Anti-Corruption in Crime No.8/2017/AC/KG under Section 7 of the Prevention of Corruption Act, 1988.

4.Corruption of a heinous offence. Corruption is an anti-developmental one and therefore, there cannot be any leniency in respect of corruption cases. Corruption is spreading like a cancer in our great Nation. Even for establishing the right by a citizen, people are indulging in corrupt activities. We have reached a stage, where, for obtaining a legal certificate, people have to bribe certain public officials. This being the perception of the citizen at large, this Court is of an opinion that the State is duty bound to ensure that the corrupt activities amongst the public servants are minimized to the extent possible. Appropriate steps are to be taken to control these corrupt activities in the public offices by deploying adequate vigil procedures and by introducing various measures to minimize the corrupt activities.

5.In the present case on hand, the writ petitioner was arrested in respect of the allegation and demand of such acceptance of bribe. The criminal case is pending. The Charge sheet is yet to be filed. Thus, the writ petitioner cannot be reinstated at this point of time. Undoubtedly, prolonged suspension is bad in law. However, in respect of corruption cases, the petitioner cannot be reinstated so soon and he has to wait for some more time for the purpose of considering his case for revocation of suspension. The authorities competent on

registering the criminal case, must be vigilant and file the charge sheet at the earliest possible and complete the Trial without any lapse of time. Prolonged delay in concluding the criminal proceedings will also cause prejudice to the delinquent officials. The officials, on initiation of disciplinary proceedings as well as the criminal case must ensure that all such proceedings are concluded at the earliest possible and without any undue delay.

6.This being the principles to be followed, this Court is of an opinion that the respondents are bound to continue the departmental disciplinary proceedings at the earliest possible and conclude the same by following the procedures and by affording reasonable opportunity to the writ petitioner. It is made clear that the pendency of a criminal case is not a bar for the initiation of disciplinary proceedings and by concluding the same by following the procedures as contemplated under rules. Only in the event of non-availability of materials or files, the disciplinary authorities have to wait for the final outcome in the case. If the materials are available and the files and evidences are present, then the disciplinary authorities are at liberty to continue the departmental disciplinary proceedings by issuing a charge memo and by conducting enquiry and passing orders.

7.This being the procedures to be followed, this Court is of an opinion that the relief sought for in the present writ petition to revoke the order of suspension by setting aside the rejection order passed by the respondent is not preferable and accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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+1cc to Mr.M.Fakkir Mohideen, Advocate, S.R.No.9982

W.P.No.3386 of 2019

SVI (CO)

rrs 05/03/2019



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