

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :10.07.2019
Pronounced on : 25.07.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.11967 of 2018 and
W.M.P.Nos.13952 & 13953 of 2018

S.Raju

... Petitioner

Vs.

- 1.The Chairman,
Thamizh Naadu Electricity Board,
Nadippisai Pulavar K.R.Ramasamy Building,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer,
Personnel,
Thamizh Naadu Electricity Board,
Nadippisai Pulavar K.R. Ramasamy Building,
No.144, Anna Salai,
Chennai - 600 002.
- 3.The Chief Engineer, Distribution
Villupuram Region,
Thamizh Naadu Electricity Generation
and Distribution Corporation Ltd.,
Villupuram.
- 4.The Superintending Engineer,
Villupuram Electricity Distribution Circle
Thamizh Naadu Electricity Generation
and Distribution Corporation Ltd.,
Villupuram.
- 5.The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Villupuram.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records culminating in the order of suspension dated 25.06.2016 bearing its Ref.No.கு.ஆ.எண்.008003/1530/நிமே/நிர்.3/சி3/கோ.வி/ & எ.சி/2016 and the reply dated 7.11.2017 bearing its Memo.No.10723/

329/Adm.3/C.2/F. DV & AC/Suspension/ 2017 passed by the 4th Respondent quash the same and direct the respondent 2 to reinstate the petitioner in service.

For Petitioner : Mr.Aravind Subramaniam

For Respondents : Mr.J.Pothiraj
Special Government Pleader
Assisted by Mr.M.Fakkir Mohideen, S.C.

ORDER

The petitioner was originally appointed as Helper in 2003 and was subsequently regularised with effect from 30.07.2005. According to the petitioner, he has rendered unblemish service for a period of 12 years. In 2016, he was placed under suspension vide order dated 25.06.2016. The charge against the petitioner was that he had received illegal gratification and he was trapped and arrested by the Vigilance and Anti-Corruption Wing of the Electricity Board. Thereafter, a criminal case was registered, but no progress has been made in the criminal case.

2.In the above said circumstances, the petitioner had sent a representation on 18.07.2016 and since there was no action taken on the representation, the petitioner approached this Court in W.P.No.1788 of 2017. This Court disposed of the writ petition on 19.07.2017 by giving a direction to the respondents therein and the relevant portion of the order as found in paragraphs No.3 & 4 is extracted hereunder:

"3. Though this Court, is unable to accept the contention as made by the learned counsel for the writ petitioner, is of view that the writ petitioner was placed under suspension on account of the allegation, regarding receiving of bribe. Thus, the prayer sought for cannot be granted. However, it is suffice, if a direction is issued to consider the representation submitted by the writ petitioner on 18.07.2016. Accordingly, the first respondent is directed to consider the representation submitted by the writ petitioner on 18.07.2016 and pass orders in accordance with law, within a period of twelve weeks, from the date of receipt of a copy of this order.

4. Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. However, no order as to costs."

3. In response to the direction issued by this Court, the 4th respondent issued proceedings dated 07.11.2017 rejecting the

request for revocation of the suspension on the ground that he was facing trial in a criminal case and also in view of the order passed in W.A.No.735 of 2013 dated 24.06.2013 in para 10 of the decision. According to the rejection order, the person involved in a criminal case, on corruption charges, can be placed under suspension till he is exonerated from the criminal case. The said order of rejection is put to challenge in the writ petition along with the suspension order dated 25.06.2016.

4.Mr.Aravind Subramaniam, learned counsel appearing for the petitioner would submit that while rejecting the representation of the petitioner seeking revocation of the suspension, the 4th respondent did not consider the legal principle laid down by the Hon'ble Supreme Court of India in "Ajay Kumar Choudhary V. Union of India through its Secretary and another reported in (2015) 7 Supreme Court Cases 291".

5.According to the learned counsel, this Court, in a number of decisions, has followed the law declared by the Hon'ble Supreme Court in Ajay Kumar Choudhary case and set aside the suspension orders and directed the authorities concerned to reinstate the petitioners in the respective writ petitions and post them in non-sensitive posts. Many of the cases, which were allowed by this Court also, pertaining to the alleged demand of illegal gratification by the petitioner therein. In support of his contention, the learned counsel would rely on the following decisions:

(i) In Ajay Kumar Choudhary V. Union of India through its Secretary and another reported in (2015) 7 Supreme Court Cases 291, he would draw the attention of this Court at paragraph 21, which is extracted hereunder:

"21.We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. 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. We

recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."

(ii) In *K.Selvamani V. The State of Tamil Nadu*, rep. By the Principal Secretary to Government, Home (Pol-2) Department, Fort St. George, Chennai and another reported in 2017 (1) CTC 795, at paragraph 6 to 8, it has been held by this Court as follows:

"6. I am of the opinion that the issue involved in this case has to be decided only based on the decision of the Hon'ble Supreme Court in 2015 (2) SCALES 432 [*Ajay Kumar Choudhry Vs. Union of India*], wherein it has been held that the currency of suspension order should not be extended beyond three months, if within this period, the Memorandum of charges/charge sheet is not served on the delinquent official and if charge memo/sheet is served, a reasoned order must be passed for extension of the suspension. Subsequently, the Government of Tamil Nadu has also issued instructions in Letter No.13519/N/2016-1, P & AR (Per.N) Dept, dated 23.07.2015, to all Principal Secretaries to Government, Department of Secretariat and Head of Departments to follow the directions of the Hon'b'le Supreme Court on the limitation period of suspension in letter and spirit.

7. Even in the instant case, the facts of the case could show that the respondents have not passed any reasoned order for extension of suspension in respect of the petitioner herein. The petitioner cannot be kept under prolonged suspension. Further, in the case *Ambigapathy, P.S. Vs. The Director of Public Health & Preventive Medicine*, reported in 1991 Writ L.R. 273, a Division Bench of this Court has held that the prolonged suspension is unreasonable and without any justification. Following the above said decision, I am of the opinion, the petitioner herein is entitled to the relief sought for in the writ petition and the impugned order is liable to be quashed.

8. Accordingly, the writ petition is allowed and the impugned order is quashed. The respondents are directed to reinstate the petitioner in any non-sensitive post at a far away place forthwith.

Consequently, connected Miscellaneous Petition is closed. No costs."

(iii) In Civil Appeal No.8427-8428 of 2018 arising out of S.L.P.(Civil) No.12112-12113 of 2017 dated 21st August, 2018 [between State of Tamil Nadu rep. By Secretary to Government (Home) V. Promod Kumar IPS & another] the Hon'ble Supreme Court in paragraph No.23, has observed as under:

"23.This Court in Ajay Kumar Choudhary v. Union of India protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post."

(iv) In W.P.No.28454 of 2017 dated 01.04.2019 [between T.Soundararajan V. The District Revenue Officer, Villupuram and others], this Court in paragraph 6 has observed as follows:

"6.In the light of the categorical pronouncement of the Supreme Court as aforesaid, the order of prolonged suspension dated 30.03.2017, without even charge sheet being filed till date, is quashed and the petitioner is directed to be reinstated forthwith."

(v) In W.P.No.33806 of 2018 dated 02.04.2019 [between P.Saravanan V. The Superintending Engineer, TANGEDCO, TNEB, Chengalpattu Electricity Distribution Circle, Chengalpattu] in paragraphs No.8 & 9, this Court has held as follows:

"8. In the case on hand, the order of suspension was issued long back and the writ petitioner is under continuous suspension without any progress in the departmental disciplinary proceedings as well as the criminal case. This being the factum of the case, this Court is of an opinion that there is no useful purpose would be served in keeping the writ petitioner under suspension for further period.

9. Accordingly, the following orders are passed:-

(i) The impugned order of suspension passed by the respondent in Memo No. 50/Adm.2/A.1/F. Suspension/2009, dated 26.5.2009 is quashed.

(ii)The respondent is directed to reinstate the petitioner in service.

(iii) The respondent is directed to post the writ petitioner in any one of the non-sensitive post till

the conclusion of the departmental disciplinary proceedings as well as the criminal case registered against the writ petitioner.

(vi) In W.P.No.13961 of 2018 dated 05.04.2019 [between B.Elankovan V. The Chairman, TANGEDCO, Nadippisai Pulavar K.R.Ramasamy Building, No.144, Anna Salai, Chennai - 600 002 and others] in paragraphs No.6 to 8, this Court has observed as follows:

"6. Competent Officials of the State as well as the Departments are the custodians of the tax payers money and they have got every duty to protect the public money and spend the same judiciously and in accordance with law. A public official wasting the tax payers money is committing misconduct and it is necessarily that such officials are also to be booked under the Discipline and Appeal Rules. The money of the tax payers are spend by the public officials without considering the circumstances and other aspects.

7. This apart, an employee is not allowed to take employment anywhere during the period of suspension. If a person is made to sit ideally without any work for number of years, the same would cause a mental agony, which is not good for the betterment of the society in general. All these aspects are to be considered, while prolonging the period of suspension. Even, at the time of reviewing the order of suspension, the authorities competent must take into consideration of all these aspects and if necessary, revoke the order of suspension and post such employee in any one of the non-sensitive post till the conclusion of the departmental proceedings or criminal case. In view of the fact that the writ petitioner is under suspension for the past eightyears, there is absolutely no progress in the Departmental Disciplinary Proceedings.

8. Under these circumstances, this Court is of an opinion that the present writ petition is to be considered. Accordingly, the following orders are passed:-

(1) The impugned order of suspension issued by the fourth respondent in proceedings in Ref.No.F/N/vz;/40828-epgp1-c2-m/vz;/5838-2014 dated 26.12.2014 is quashed.

(2) The respondents are directed to reinstate the writ petitioner forthwith.

(3) The respondents are directed to post the writ petitioner in any one of the non-sensitive post till the conclusion of the departmental disciplinary

proceedings."

(vii) In W.P.No.33379 of 2018 dated 08.04.2019 [between P.Govindarajan V. The Chairman cum Managing Director, TANGEDCO (Tamil Nadu Generation and Distribution Corporation Ltd.), Tamil Nadu Electricity Board, No.144, Anna Salai, Chennai- 2 and others], in paragraphs No.11 & 12, this Court has held as under:

"11. In the case on hand, the order of suspension was issued long back and the writ petitioner is under continuous suspension without any progress in the departmental disciplinary proceedings as well as the criminal case. This being the factum of the case, this Court is of an opinion that there is no useful purpose would be served in keeping the writ petitioner under suspension for further period.

12. Under these circumstances, this Court is of an opinion that the present writ petition is to be considered. Accordingly, the following orders are passed:-

(1) The impugned order of suspension issued by the third respondent in proceedings in Memo No.114197/951/ G7/G72/2015-1, dated 3.3.2015, is quashed.

(2) The respondents are directed to reinstate the writ petitioner in service.

(3) The respondents are directed to post the writ petitioner in any one of the non-sensitive post till the conclusion of the departmental disciplinary proceedings.

(viii) In W.P.No.11328 of 2019 dated 29.04.2019 [between J.Mathialagan V. The Chairman, Tamil Nadu Generation and Distribution Corporation Ltd., (TANGEDCO), NPKRR Maaligai, No.144, Anna Salai, Chennai and others] in paragraphs No.8 to 10, this Court has observed and held as follows:

"8. Competent Officials of the State as well as the Departments are the custodians of the tax payers money and they have got every duty to protect the public money and spend the same judiciously and in accordance with law. A public official wasting the tax payers money is committing misconduct and it is necessarily that such officials are also to be booked under the Discipline and Appeal Rules. The money of the tax payers are spend by the public officials without considering the circumstances and other aspects

9. This apart, an employee is not allowed to take employment anywhere during the period of suspension. If a person is made to sit ideally without any work for number of years, the same would

cause a mental agony, which is not good for the betterment of the society in general. All these aspects are to be considered, while prolonging the period of suspension. Even, at the time of reviewing the order of suspension, the authorities competent must take into consideration of all these aspects and if necessary, revoke the order of suspension and post such employee in any one of the non-sensitive post till the conclusion of the departmental proceedings or criminal case. In view of the fact that the writ petitioner is under suspension for the past seven years, there is absolutely no progress in the Departmental Disciplinary Proceedings.

10. Under these circumstances, this Court is of an opinion that the present writ petition is to be considered. Accordingly, the following orders are passed:-

(1) The impugned order of suspension issued by the third respondent in Memo No.115/ Adm.II/A4/ F.Suspension/2012 dated 11.5.2012 is quashed.

(2) The respondents are directed to reinstate the writ petitioner forthwith.

(3) The respondents are directed to post the writ petitioner in any one of the non-sensitive post till the conclusion of the departmental disciplinary proceedings."

6. Therefore, the learned counsel would submit that consistently this Court, even in cases of corruption, held that the employee cannot be suspended for an indefinite period. While so, in the present case, from 2016 onwards the petitioner has been placed under suspension.

7. According to the learned counsel, the criminal trial has not progressed at all and the criminal trial is likely to be delayed. Therefore, the petitioner's claim for revocation of suspension notwithstanding the pendency of criminal trial is imperative and the issue is also directly covered by the above decisions of the Hon'ble Supreme Court of India and also of this High Court.

8. Per contra, Mr.J.Pothiraj, learned Special Government Pleader for the respondents would strongly object to grant of any relief to the petitioner on the ground that the petitioner was involved in corruption case and therefore, his reinstatement would be against public interest. In fact, when the criminal case is being tried, the petitioner has to wait till the outcome of the criminal proceeding and only if the petitioner comes out unscathed from the criminal proceedings, he can stake his claim for revocation of suspension. In the said circumstances, the

authority has rightly rejected the representation of the petitioner, seeking revocation of the suspension.

9. The learned Special Government Pleader for the respondents would rely on the judgment of the Division Bench of this Court, which relied on by the 4th respondent while rejecting the representation of the petitioner, i.e. W.A.No.735 of 2013 dated 24.06.2013, wherein at paragraphs No.9 & 10, it is observed as follows:

"9. Similar provision applicable in respect of workers other than those engaged in clerical works governed under Rule 31(2) (a) of the Tamil Nadu Electricity Board Standing Order was considered by us in W.A.No.1604 of 2012 dated 28.2.2013, wherein the scope of interference in the order of suspension, which was passed due to involvement of a person in a bribery case, was considered and a decision was rendered to the following effect,

"7. Whether a person involved in a bribery case can challenge the order of suspension pending investigation in the criminal case in the Tamil Nadu Electricity Board was considered by the Division Bench of this Court in W.A.(MD)No.294 of 2010 Judgment dated 23.2.2011. In the said judgment in paragraphs 8 to 10 it is held thus,

"8. In W.A.No.1114 of 2007, dated 05.11.2007 also, a Division Bench of this Court [SJMJ, as he then was and NPVJ], in the case of the Secretary to Government of Tamil Nadu and others vs. N.Shanmugasundaram, set aside the order of a learned Single Judge quashing an order of suspension and allowed the Writ Appeal and upheld the order of suspension on similar grounds.

Another Division Bench of this Court [NPVJ and NKKJ] in the case of M.Rajammal v. Principal District Judge reported in 2009 (4) MLJ 212 held that Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules contemplates that a member of a service may be placed under suspension from service, where an enquiry into grave charges against him is contemplated, or is pending or a complaint against him or any criminal offence is under investigation or trial and if such suspension is necessary in the public interest. In the said Judgment, the decisions of the Supreme Court in Hotel Imperial v. Hotel Workers' Union reported in AIR 1959 SC 1342 : 1959 II LLJ 544 and in R.P.Kapur v. Union of India reported in AIR 1964 SC 787 : 1966 II LLJ 164 were followed and upheld the similar order of suspension.

In W.A.No.1818 of 2009, dated 15.12.2009, a Division Bench of this Court [RBIJ and NPVJ], in the case of S.Jeevanantham vs. the Government of Tamil Nadu and others considered an identical issue and confirmed the order of a learned Single Judge dismissing the Writ Petition, which was filed challenging the order of suspension. Suspension orders were also upheld in the case of D.Gnanasekaran v. Chief Educational Officer reported in 2007 (1) MLJ 457 and in the case of S.Jeyasingh Rajan v. President, Kalloorani Panchayat reported in 2006 (4) MLJ 59.

The Supreme Court in the case of Allahabad Bank and another vs. Deepak Kumar Bhola reported in 1997 (4) SCC 1, upheld the order of suspension of a bank employee, who was facing a criminal offence involving in moral turpitude. In the said Judgment, the order of the High Court, Allahabad, quashing the order of suspension was set aside and the appeal filed by the bank was allowed.

9. The Supreme Court in the decision in Surain Singh v. State of Punjab reported in 2009 (1) Supreme 458 held that corruption in the administration has hampered the development of the Nation and the persons, who involved in the corruption cases, should be dealt with firmly and the persons indulging in corruption practices cannot be allowed to be in public employment to maintain purity of administration, as such attitude will definitely affect public interest. In Paragraph No.7, it is held thus:-

"7. Day in and day out the gigantic problem of corruption in the public servants is on the increase. Large scale corruption retards the nation-building activities and everyone has to suffer on that count. Corruption is corroding like cancerous lymph nodes, the vital veins of the body politics, social fabric of efficiency in the public service and moralizing the honest officers. The efficiency in public service would improve only when the public servant devotes his sincere attention and does the duty diligently, truthfully, honestly and devotes himself assiduously to the performance of the duties of his post. [See: Swatantar Singh v. State of Haryana 1997 (4) SCC 14 and State of M.P v. Shambhu Dayal Nagar 2002 (1) SCC 1."

10. The Supreme Court in the decisions in R.P.Kapoor v. Union of India reported in AIR 1964 SC 7871; Balwantray Ratilal Patel v. State of Maharashtra reported in AIR 1968 SC 800; A.K.K.Nambiar v. Union of India reported in 1969 (3) SCC 864; V.P.Gidroniya v. State of Madhya Pradesh reported in 1970 (1) SCC 362; Ministry of Home Affairs v. Tarak Nath Ghosh reported in 1971 (1) SCC 734; Government of Andhra Pradesh v V.Sivaraman reported in 1990 (3) SCC 57; Uttar Pradesh Rajya Krishi Utpadan Manti Samiti Parishad v. Sanjiv Rajah reported in 1993 (2) LLN 11; State of Orissa v. Bimal Kumar Mohanty reported in 1994 (1) LLN 889; State of Madhya Pradesh v. Ram Singh reported in 2000 (5) SCC 88; State Bank of India v. Rattan Singh reported in 2000 (10) SCC 396; K.C.Sareen v. CBI reported in 2001 (6) SCC 584; Union of India v Rajiv Kumar reported in 2003 (6) SCC 516, categorically held that a person involved in a criminal case, particularly in corruption case, can be placed under suspension till he is exonerated and he can claim only subsistence allowance."

The order passed by the learned single Judge in setting aside the order of suspension of a person involved in the bribery case was set aside and the writ appeal was allowed.

8. It is well settled principle of law that criminal offence is considered as wrong against State and the Judgment of the Supreme Court reported in (2012) 8 SCC 651 (Shyam Babu v. State of U.P.) can be usefully referred for the said proposition."

10. Applying the principles laid down in the above referred decisions and in the light of Regulation 9 of the Tamil Nadu Electricity Board Employee's Discipline and Appeal Regulations, we hold that the order of the learned single Judge is liable to be set aside and accordingly set aside and the writ petition filed by the respondent herein is dismissed. As the respondent is kept under suspension from 15.7.2010 and charge sheet has been filed on 10.8.2011 in the criminal case, we direct the IX Additional Sessions Judge, Chennai, to dispose of C.C.No.26 of 2011 giving priority as expeditiously as possible, at any cost, not later than six months from the date of receipt of copy of this order."

10. He would also rely on the decision in Union of India and another V. Ashok Kumar Aggarwal reported in (2013) 16 Supreme

Court Cases 147 wherein the Hon'ble Supreme Court, at paragraph 26, has inter alia held as under:

"..... In case the court comes to the conclusion that the authority is not proceeding expeditiously as it ought to have been and it results in prolongation of sufferings for the delinquent employee, the court may issue directions. The court may, in case the authority fails to furnish proper explanation for delay in conclusion of the enquiry, direct to complete the enquiry within a stipulated period. However, mere delay in conclusion of enquiry or trial can not be a ground for quashing the suspension order, if the charges are grave in nature. But, whether the employee should or should not continue in his office during the period of enquiry is a matter to be assessed by the disciplinary authority concerned and ordinarily the court should not interfere with the orders of suspension unless they are passed in mala fide and without there being even a prima facie evidence on record connecting the employee with the misconduct in question."

11. According to the learned Special Government Pleader, the Hon'ble Supreme Court has held that long period of suspension however does not make order of suspension invalid. Therefore, he would submit that in case of corruption, the person, who was accused of corruption, is not entitled to be reinstated in service pending finalisation of the criminal case.

12. This Court is unable to appreciate the arguments advanced by the learned Special Government Pleader on behalf of the respondents particularly with reference to the citation, since those orders cited by him one the Hon'ble Supreme Court and other by a Division Bench of this Court were rendered prior to Ajay Kumar Choudhary case and therefore, it cannot hold the field any further after the pronouncement of the decision by the Hon'ble Supreme Court of India in the Ajay Kumar Choudhary case. In fact, after Ajay Kumar Choudhary case, numerous orders have been passed by the Division Bench as well as the learned single Judges of this Court following the legal principle of the Hon'ble Supreme Court and directed reinstatement of the suspended employees. Therefore, the arguments advanced on behalf of the respondents deserved to be rejected.

13. While so, this Court is in agreement with the submissions made on behalf of the learned counsel for the petitioner. The Hon'ble Supreme Court of India in Ajay Kumar Choudhary case has elaborately held that the suspension is only transitory or temporary in nature and must perforce be of short duration. In fact, in paragraphs No.11 and 12, the Hon'ble Supreme Court has frowned upon the long period of suspension'. Those paragraphs

are also extracted hereunder:

"11. Suspension, specially preceding the formulation of charges, is essentially transitory or temporary in nature, and must perforce be of short duration. If it is for an indeterminate period or if its renewal is not based on sound reasoning contemporaneously available on the record, this would render it punitive in nature. Departmental/disciplinary proceedings invariably commence with delay, are plagued with procrastination prior and post the drawing up of the Memorandum of Charges, and eventually culminate after even longer delay.

12. Protracted periods of suspension, repeated renewal thereof, have regrettably become the norm and not the exception that they ought to be. The suspended person suffering the ignominy of insinuations, the scorn of society and the derision of his Department, has to endure this excruciation even before he is formally charged with some misdemeanour, indiscretion or offence. His torment is his knowledge that if and when charged, it will inexorably take an inordinate time for the inquisition or inquiry to come to its culmination, that is to determine his innocence or iniquity. Much too often this has now become an accompaniment to retirement. Indubitably the sophist will nimbly counter that our Constitution does not explicitly guarantee either the right to a speedy trial even to the incarcerated, or assume the presumption of innocence to the accused. But we must remember that both these factors are legal ground norms, are inextricable tenets of common law jurisprudence, antedating even the Magna Carta of 1215, which assures that - "We will sell to no man, we will not deny or defer to any man either justice or right." In similar vein the Sixth Amendment to the Constitution of the United States of America guarantees that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial."

14. In same lines, various High Courts and particularly this High Court have passed numerous orders setting aside the suspension order and directed the authorities concerned to post the suspended officers concerned in non-sensitive posts. This was done keeping in mind public interest, as payment of huge subsistence allowance without extracting work from the employee concerned, drains public exchequer. Moreover, the person accused is entitled to speedy trial under Article 21 of the Constitution of India. Therefore, in order to uphold the public interest and

also constitutional imperatives, the suspension orders have been interfered with by the Courts.

15. In view of the above, this Court has no hesitation in allowing the Writ Petition. Accordingly, the impugned order dated 25.06.2016 in bearing its Ref.No. கு.ஆ.எண்.008003/1530/நமே/நி.3/சி3/கோ.வி/ & ஏ.சி/2016 and the reply dated 07.11.2017 bearing its Memo.No.10723/ 329/Adm.3/C.2/F.DV & AC/Suspension/2017 passed by the 4th Respondent are hereby set aside and the 2nd respondent is directed to reinstate the petitioner with all attendant benefits. While reinstating the petitioner, the 2nd respondent may ensure that the petitioner shall not be posted to any sensitive post. The order shall be complied with by the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order.

16. With the above direction, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Chairman,
Thamizh Naadu Electricity Board,
Nadippisai Pulavar K.R. Ramasamy Building,
No.144, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer,
Personnel,
Thamizh Naadu Electricity Board,
Nadippisai Pulavar K.R. Ramasamy Building,
No.144, Anna Salai,
Chennai - 600 002.

3. The Chief Engineer, Distribution
Villupuram Region,
Thamizh Naadu Electricity Generation
and Distribution Corporation Ltd.,
Villupuram.

4.The Superintending Engineer,
Villupuram Electricity Distribution Circle
Thamizh Naadu Electricity Generation
and Distribution Corporation Ltd.,
Villupuram.

5.The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Villupuram.

+1cc to Mr.Aravind Subramaniam, Advocate sr.63582
+1cc to Government Pleader sr.64238

ORDER in
W.P.No.11967 of 2018

rsi(co)
nr 20/08/2019



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