

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2019

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

W.P.No.13962 of 2018

and

W.M.P.Nos.16493 & 16494 of 2018

P.Ramachandran

..Petitioner

vs

1. The Chairman
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Nadippisai Pulavar K.R.Ramasamy Building
No.144, Anna Salai
Chennai - 600 002.
2. The Chief Engineer,
Personnel,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Nadippisai Pulavar K.R.Ramasamy Building
No.144, Anna Salai
Chennai - 600 002.
3. The Chief Engineer,
Distribution Trichy Region
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Trichy - 620 017.
4. The Superintendent Engineer,
Nagapattinam Electricity Distribution Circle
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Nagapattinam - 611 001.
5. The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Nagapattinam - 611 001.

.. 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 culminating in the order of suspension dated 23.04.2011 bearing memorandum number 3285/88/SE/NEDC/NAGAI.ADM V/A1/F.SUSPENSION/11 passed by the Fourth respondent herein and quash the same and direct the Second Respondent to reinstate the petitioner in service.

For Petitioner : Mr.M.Aravind Subramaniam
For Respondents : Mr.P.R.Dhilipkumar for R1 to R4

Mr.D.Suriyanarayanan
Additional Government Pleader for R5

O R D E R

The order of suspension dated 23.04.2011, issued by the 4th respondent is under challenge in the present writ petition.

2.The petitioner, who was holding the Post of Junior Engineer was placed under suspension on account of certain serious allegations.

3.The learned counsel appearing on behalf of the writ petitioner states that the respondents have not proceeded with the departmental disciplinary proceedings and the writ petitioner is under continuous suspension for more than eight years. Under these circumstances, the petitioner is constrained to move the present writ petition.

4.Prolonged suspension is bad in law. Keeping an employee under suspension for an unspecified period is certainly undesirable. On initiation of departmental disciplinary proceedings, the authorities competent must ensure that the proceedings are concluded within a reasonable period of time and without causing any undue delay. Thus, the competent authority must be vigilant in respect of concluding the departmental disciplinary proceedings at the earliest possible. Undoubtedly, long pendency of the departmental disciplinary proceedings would cause prejudice to the interest of the employees and they are being deprived of their service benefits including promotion and settlement of terminal and pensionary benefits.

5.This being the adverse impact on prolonged suspension, this Court is of an opinion that the order of suspension is to be reviewed periodically by the respondents based on the facts and circumstances as well as on the developments took place in the investigations or otherwise. Contrarily, if an employee is placed under suspension for an unspecified period, without any progress, certainly, it will cause prejudice to the Delinquent Employees as well as cause monetary loss to the public exchequer. If an employee is paid subsistence allowance for

years together without extracting any work, such a payment of huge amount of subsistence allowance for years together without extracting any work will cause great financial loss to the public exchequer. The Competent Authorities have no authority to waste the public money in this way and every authority is bound to be vigilant, in respect of the payment of public money in all such type of cases.

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 eight years, 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 4th respondent in proceedings in memorandum number 3285/88/SE/NEDC/NAGAI.ADM V/A1/F.SUSPENSION/11 dated 23.04.2011 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.

9. With the above directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

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5. The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Nagapattinam - 611 001.

+1cc to Mr.M.Aravind Subramaniam, Advocate, S.R.No.25771
+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.25494
+1cc to the Government Pleader, S.R.No.25751

W.P.No.13962 of 2018

CS/03/04/2019