

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.03.2019

CORAM

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

W.P.No.14716 of 2018

and

W.M.P. Nos. 17394 to 17396 of 2018

A.Janakiraman

...Petitioner

Vs.

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records culminating in the Order of Suspension dated 12.02.2018 bearing its Memo No.254/Adm.B/B.2/2018 issued by the third respondent and quash the same and direct the second and third respondents to reinstate the petitioner in service.

For Petitioner : Mr.M.Aravind Subramaniam
For Respondents : Mr.M.Fakkir Mohideen [For R1 to R4]
Mr.R.S.Selvam
Government Advocate [For R5]

O R D E R

The impugned order of suspension is issued by the respondents in proceedings dated 12.02.2018, is under challenge in the present writ petition.

2. The writ petitioner was holding the post of Assistant Executive Engineer and placed under suspension on account of the fact that a criminal case was registered by the Department of Vigilance and Anti Corruption. The criminal case is under investigation and it is pertinent to note that the writ petitioner is facing the charges of demand and acceptance of bribe.

3. This Court is of an undoubted opinion that there cannot be any leniency or misplaced sympathy in respect of the allegations of corruption against the public servant. Undoubtedly, an employee under suspension for an unspecified period is not desirable. However, in the present case, the writ petitioner was placed under suspension in 12.02.2018 and now investigation in the criminal case is in progress.

4. It is clarified that mere pendency of the criminal case is not a bar for the continuance of the departmental disciplinary proceedings. if at all, the files, materials and other records are available with the Authorities Competent, then they are at liberty to proceed with the departmental disciplinary proceedings in accordance with the rules in force. Contrarily, keeping an employee under suspension for a prolonged period is bad in law. This apart, if an employee is reinstated during the investigation, the same would cause prejudice to the interest of investigation and there is a possibility of tampering with the witnesses and the records.

5. Further, suspension is not a punishment, it is an interim punishment to keep a public servant away from the office, enabling the authorities to conduct the investigation and enquiry in a free and fair manner. This being the very purpose and object of placing an employee under suspension, this Court is of an opinion that the impugned order of suspension in the present writ petition cannot be quashed, as the writ petitioner is under prolonged suspension and further he is facing the allegations of corruption which is under investigation.

6. Under these circumstances, the respondents have to review the order of suspension periodically taking note of the

facts and circumstances as well as the progress made in the investigations and in the criminal trial.

7. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

pns

To

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Cuddalore Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited
Cuddalore - 4.

5.The Inspector of Police

Vigilance and Anti-Corruption Wing
Cuddalore.

+1cc to Mr.M.Aravind Subramaniam, Advocate, S.R.No.28191

+1cc to Mr.Fakkir Mohideen, Advocate, S.R.No.27716

W.P. No. 14716 of 2018

GJ-II (CO)

RRS (02/05/2019)