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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.No.1867 of 2019
and
C.M.P.No.12610 of 2019

R.Rajaraman
Assistant Engineer
(Operation and Maintenance)
Madhavaram II Vyasarpadi Division,
Chennai Electricity Distribution Circle,
TANGEDCO,
Chennai - 600 039
(under order of suspension) ... Appellant/Petitioner

Vs.

1. The Chief Engineer (Personnel)
TANGEDCO,
Chennai - 600 002.
2. The Superintendent Engineer,
Chennai Electricity Distribution circle (North),
Chennai - 600 002. ... Respondents

Writ Appeals filed under Clause 15 of the Letters Patent against the order passed by the learned single Judge of this Court in W.P.No.32723 of 2018 dated 02.04.2019.

Prayer in W.P.No.32723 of 2018:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second Respondent relating to the order in Memo No.SE/CEDC/North/Admn.O/Admin.I/F.Suspension / D.No.097/2018 dated7.2018(signed on 7.7.2018) to quash the same and issue consequential directions to the Respondents to reinstate the petitioner in service with consequential benefits.

For Appellant : Mr.M.Ravi

For Respondents: Mr.P.R.Dilipkumar.



J U D G M E N T

(Judgment of the Court was made by K.K.SASIDHARAN, J.,)

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Heard the learned counsel for the appellant. Mr.P.R.Dilipkumar, learned Standing Counsel takes notice on behalf of the respondents. By consent, the intra court appeal is taken up for final disposal during the time of admission.

2. The appellant was placed under suspension by order dated 07.07.2018 in view of his involvement in a criminal case registered by the Vigilance and Anti-corruption Department. He was granted bail by the Special Court. Since it was a case of prolonged suspension, the appellant moved the writ court. The learned single Judge dismissed the writ petition with an observation that it is for the respondent to review the order of suspension, taking into account, the present stage of the proceedings before the criminal court. The said order is under challenge in the intra court appeal.

3. The order passed by the learned single Judge indicates that the appellant has given a representation for revoking his suspension. However, copy of the said representation is not found in the records. We are of the view that the respondents must, at the first instance, consider the question of reviewing the suspension in accordance with the relevant regulations and taking into account the stage of the criminal proceedings.

4. We modify the order passed by the learned single Judge by granting liberty to the appellant to submit a comprehensive representation to the 2nd respondent to review his suspension. In case, any such representation is given, the same shall be considered and disposed of by the 2nd respondent on merits. Such exercise shall be completed within a period of three months from the date of receipt of the representation.

5. The intra court appeal is disposed of with the above direction. No costs. consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



To

1. The Chief Engineer (Personnel)
TANGEDCO,
Chennai - 600 002.

2. The Superintendent Engineer,
Chennai Electricity Distribution circle (North),
Chennai - 600 002.

+1cc to Mr.M.Ravi, Advocate Sr.51620

+1cc to M/s.P.R.Dhilip Kumar, Advocate Sr.50909

W.A.No.1867 of 2019

srg 06/08/2019