

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16238 of 2018  
and  
WMP.Nos.19341 & 19342 of 2018

C.Vajiravel

.. Petitioner

Versus

- 1.The Chairman,  
Tamilnadu Generation and Distribution Corporation Ltd,  
(TANGEDCO),  
NPKRR Maaligai,  
144, Ana Salai, Chennai-600 002.
- 2.The Chief Engineer - Personnel,  
Tamilnadu Generation and Distribution Corporation Ltd,  
(TANGEDCO),  
NPKRR Maaligai,  
144, Ana Salai, Chennai-600 002.
3. The Chief Engineer - Distribution,  
Tamilnadu Generation and Distribution Corporation Ltd,  
(TANGEDCO),  
Gandhi Nagar, Vellore 632006.
4. The Superintending Engineer,  
Dharmapuri Electricity Distribution Circle,  
(TANGEDCO), Dharmapuri - 636 705.

... Respondents

Prayer: 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 4th respondent in Memo No.08/Adm.3/A.1/F.Suspension/2018, dated 12.01.2018 and quash the same and consequently permit the petitioner to rejoin duty/service as Commercial Inspector with all attendant/consequential benefits.

For Petitioner : Mr.S.Sai Shankar

For Respondents : Mr.Fakkir Mohideen  
Standing Counsel

## O R D E R

The order of suspension dated 12.01.2018 is under challenge in the present writ petition. The writ petitioner was working as Commercial Inspector, Class III and on account of demand and acceptance of bribe, a criminal case was registered against the writ petitioner by the department of Vigilance and Anti-Corruption.

2. The writ petitioner was arrested and the criminal case was registered against the writ petitioner is now pending. The learned counsel for the writ petitioner states that the order of suspension is yet to be reviewed by the Competent Authorities. Thus he is constrained to move the present writ petition.

3. Undoubtedly, the allegations of corruption against the writ petitioner is raised and a criminal case is registered against him. The criminal case is pending against the writ petitioner and under these circumstances, revocation of the order of suspension is not preferable. However, Courts have repeatedly held that prolonged of suspension is bad in law. The order of suspension is to be reviewed periodically by the Competent Authorities.

4. In this regard, the writ petitioner is at liberty to submit his representations to the Competent Authorities enabling them to consider the same during the appropriate time. However, this Court cannot quash the order of suspension in view of the fact that the allegations against the writ petitioner is of corruption and further, a criminal case registered against him, is also pending.

5. This Court is of the considered opinion that there is no bar for the Disciplinary Authorities to continue the departmental disciplinary proceedings even during the pendency of the criminal case. Mere pendency of the criminal case is not a bar for continuance in the departmental proceedings. If the files and the related documents are available with the department, then the Disciplinary Authorities are empowered to continue the departmental proceedings, conclude the same and pass final orders.

6. Under these circumstances, the respondents are at liberty to review the suspension order during the appropriate time if any request is made by the writ petitioner by way of representation or otherwise.

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

s/d-  
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

Pkn

To

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(TANGEDCO), Dharmapuri - 636 705.
- +1 CC to Mr.M.Fakkir Mohideen, Advocate sr 17312.

सत्यमेव जयते

W.P.No.16238 of 2019

BR (CO)  
SP (27/03/2019)

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