

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.01.2019

CORAM
THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.16397 of 2018
W.M.P.Nos.19551 and 19552 of 2018

M.Senthilkumar

...Petitioner

Vs

- 1 The Chairman Tamil Nadu
Generation and Distribution Corporation Ltd
(TANGEDCO) NPKRR Maaligai 144 Anna Salai
Chennai 600 002
 - 2 The Superintending Engineer
CEDC/South II TamilNadu Generation and
Distribution Corp.Ltd (TANGEDCO) KK Nagar
Chennai 600 078
 - 3 The Chief Engineer-Personnel
TamilNadu Generation and Distribution
Corporation LTD (TANGEDCO) NPKRR Maaligai
144 Anna salai Chennai 600 002
-Respondent

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 2nd Respondent in Memo
No.717 / Adm.1 / A 4 / FDVACSUS / 2012 dated 06.07.2012 and
quash the same and consequently permit the petitioner to rejoin
duty / service as commercial Inspector with all attendant /
consequential benefits.

For Petitioners : M/s.B.Mahendra Naidu

For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel for R1 to R3

O R D E R

The petitioner was working as Commercial Inspector at
Superintending Engineer, South, Chennai. A criminal case in
Crime No.3/2012/AC/CC-IV was registered against the petitioner
under Section 7 of the Prevention of Corruption Act and he was
remanded to judicial custody. Based on the said criminal

charges, the petitioner was placed under suspension by an order dated 06.07.2012 . The petitioner submitted a representation dated 06.04.2018 to the respondents to revoke the order of suspension, which was not considered by the respondents. Hence, aggrieved by the same, the petitioner has filed the present writ petition seeking appropriate relief.

2. Learned counsel for the petitioner relies on the judgment of the Supreme Court in Ajay Kumar Choudhary Vs. Union of India (2015) 7 S.C.C.291, wherein it was held as follows,

" We, therefore, direct that the currency of a suspension order should not extend beyond three months, if within this period, the Memorandum of Charges / Charge sheet is not served on the delinquent officer / employee; if the Memorandum of Charges / Charge sheet is served, a reasoned order must be passed for the extension of suspension. 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."

3. Considering prolonged suspension, following the principles laid down in the aforesaid judgment of the Supreme Court in Ajay Kumar Choudhary Vs. Union of India (2015) 7 S.C.C.291, the order of suspension dated 06.07.2012 is directed to be revoked and the respondents are directed to reinstate the petitioner in service and post him in any non sensitive post, within a period of eight weeks from the date of receipt of a copy of this order. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kst

To

- 1 The Chairman Tamil Nadu
Generation and Distribution Corporation Ltd
(TANGEDCO) NPKRR Maaligai 144 Anna Salai
Chennai 600 002

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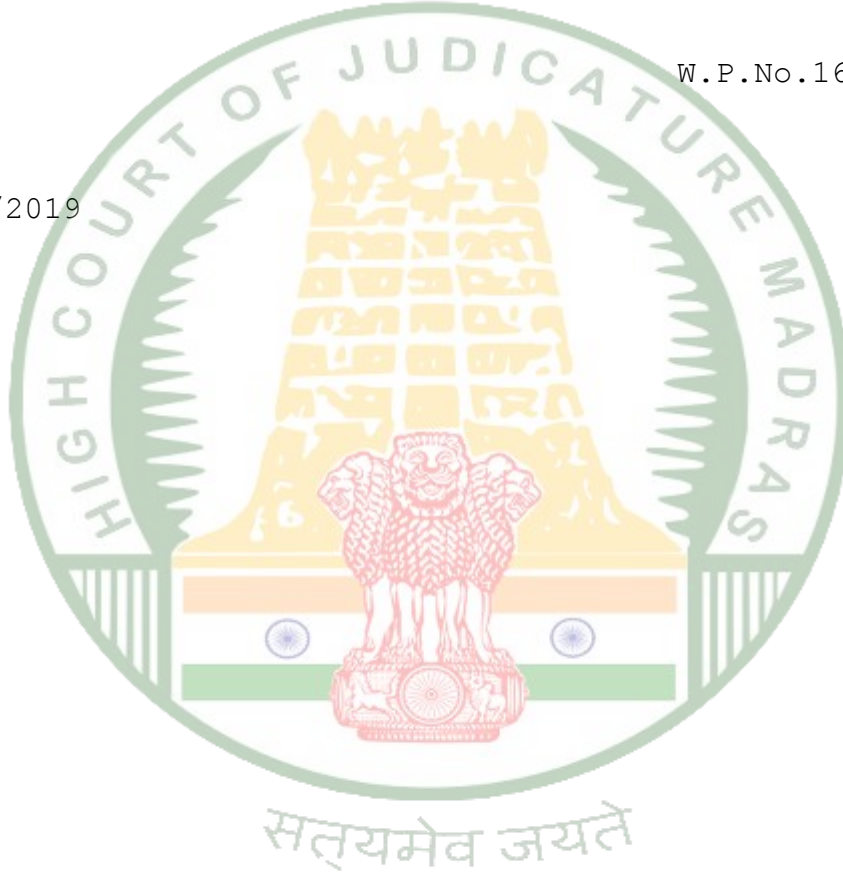
- 2 The Superintending Engineer
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144 Anna salai Chennai 600 002.

+lcc to Mr.B.Mahendra Naidu, Advocate, S.R.No.1167

W.P.No.16397 of 2018

JP(CO)

rrs 04/01/2019



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