

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.42482 of 2016

R.Balakrishnan

.. Petitioner

Vs.

1. The Chief Engineer,
Distribution, Coimbatore Region,
Tamil Nadu Electricity Board,
Coimbatore.

2. The Superintending Engineer,
Distribution, Tamil Nadu Electricity Board,
Tiruppur.

.. Respondents

* * *

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records of the second respondent pertaining to the impugned suspension order issued in கு.ஆ.எண்.020397.2031/1.நபி(உ.2)/அ.எண்.2252.2016, dated 26.08.2016 and quash the same.

* * *

For Petitioner : Mr.T.Balaji

For Respondents : Mr.P.R.Dhilipkumar
Standing Counsel

सत्यमेव जयते
O R D E R

The petitioner instituted this writ petition laying challenge to the order of the second respondent dated 26.08.2016.

2. The petitioner joined the respondent Board on 03.07.1969. While he was working as Foreman, a complaint was registered against him on 20.06.2000 in Crime No.1/2000 on the file of the Inspector of Police, Vigilance and Anti Corruption, Coimbatore, for the alleged offence under Section 7 of the Prevention of Corruption Act (in short "the Act") on the ground that he demanded a sum of Rs.3,000/- on 31.05.2000 as bribe for giving electricity service connection. He was arrested on 21.06.2000,

which resulted in his suspension on the same day.

3. The learned Chief Judicial Magistrate/Special Judge under the Prevention of Corruption Act, convicted and sentenced him on 06.08.2004 in C.C.No.5 of 2001. Based on the same, the petitioner was dismissed from service on 13.09.2004. However, on appeal, this Court in Crl.A.No.1039 of 2004, vide the judgment dated 29.03.2012 acquitted him from the said criminal case. In the meanwhile, the petitioner attained the age of superannuation on 30.06.2006. Hence, he sought for reinstatement and consequential service benefits via his representation dated 07.05.2012.

4. Since there was no response to his representation, he filed W.P.No.28456 of 2013, wherein, on 13.04.2015, the same was directed to be considered by this Court within three months from the date of receipt of the said order by the respondents. Subsequently, the second respondent passed three orders of even date, i.e., dated 26.08.2016 (i) setting aside the dismissal order with effect from 13.09.2004 and reinstating him in service from the said date, however treating the period from 13.09.2004 to 30.06.2006 as suspension period ; (ii) initiating departmental action by issuing the charge sheet against him ; and (iii) not permitting him to retire from service on 30.06.2006 and retaining him in service until the completion of the disciplinary proceedings initiated against him.

5. The petitioner questioned the first order, i.e., order setting aside the dismissal order with effect from 13.09.2004 and reinstating him in service from the said date, however treating the period from 13.09.2004 to 30.06.2006 as suspension period in this writ petition, while questioning the other two orders in W.P.Nos.42483 and 42484 of 2016 respectively, which were withdrawn by the learned counsel for the petitioner today, i.e., on 23.04.2019.

6. Though learned counsel for the petitioner raised so many grounds with respect to the merits of the case, more particularly, initiating the departmental proceedings after the acquittal of the petitioner in the criminal case by this Court on an appeal, which is hit by delay and laches and against the Government Orders governing the field, now learned counsel restricted his prayer to the limited extent that the respondents may be directed to expedite the departmental proceedings within a time-frame fixed by this Court.

7. Heard the learned Standing Counsel for the respondents on the above submissions.

8. Admittedly, the conviction and sentence imposed on the

petitioner by the trial court were set aside by this Court and he was acquitted of the criminal charges. But the same has no bearing on the departmental proceedings. Though there was a delay on the part of the respondents in initiating the departmental proceedings, since the learned counsel for the petitioner sought for a direction to expedite the same, this Court, without expressing anything on the merits of the case, directs the second respondent to expedite the departmental proceedings initiated against the petitioner and complete the same within a period of six months from the date of receipt of a copy of this order. The petitioner is also directed to extend his co-operation for the expeditious completion of the departmental proceedings.

9. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Engineer,
Distribution, Coimbatore Region,
Tamil Nadu Electricity Board,
Coimbatore.
2. The Superintending Engineer,
Distribution, Tamil Nadu Electricity Board,
Tiruppur.

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No. 38734

KK(CO)
GN(22/05/2019)

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