

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.10.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22344 of 2019
and
W.P.No.21663 of 2019

R.Senthil Kumar

..
Petitioner

-vs-

- 1.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
NPKRR Maaligai, 144, Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer (Distribution),
TANGEDCO, TATABAD,
Coimbatore-641 012.
- 3.The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Tiruppur Road, Eripalayam,
Udumalpet, Tiruppur District-642 126.

..
Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in Memo No.814/Adm.O/Adm.III/A.5/F.Dkt/2016 dated 26.11.2016 and consequential order passed by the 3rd respondent in Memo No.009957/118/SE/UEDC/UDT/ADM.O/Adm.3/ A.5/F. DV & AC/2018 dated 06.04.2018 rejecting the petitioner's request for revocation of suspension and quash the same and consequently permit the petitioner to join duty/service with all attendant/consequential benefits.

For Petitioner : Mr.A.Jenasenan

For Respondents : Mr.P.R.Dilipkumar

O R D E R

This writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in Memo No.814/Adm.O/Adm.III/A.5/F.Dkt/2016 dated 26.11.2016 and consequential order passed by the 3rd respondent in Memo No.009957/118/SE/UEDC/UDT/ADM.O/Adm.3/A.5/F. DV & AC/2018 dated 06.04.2018, rejecting the petitioner's request for revocation of suspension and quash the same and consequently permit the petitioner to join duty/service with all attendant/consequential benefits.

2.Heard Mr.A.Jenasenan, learned counsel for the petitioner and Mr.P.R.Dilipkumar, learned counsel for the respondents.

3.With consent, this writ petition is taken up for final disposal.

4.The case of the petitioner is that the petitioner was suspended from service on 26.11.2016 and thereafter, he made a representation dated 12.03.2018, to the 3rd respondent for revocation of suspension. However, the said request was rejected on 06.04.2018, on the ground that he was issued with a charge memo dated 03.09.2012. Hence, the present writ petition.

5.The learned counsel for the petitioner submits the fact remains that on 25.05.2016, the memo dated 03.09.2012 was cancelled and without considering the subsequent development, the impugned order was passed mechanically. Hence, the learned counsel for the petitioner submits that the petitioner may be permitted to make a representation explaining the present situation to the competent authority for revocation of the suspension order.

6.Though I am not inclined to interfere with the order of revocation of suspension, however, I am inclined to grant liberty to the petitioner to make fresh representation before the 3rd respondent. On a perusal of the records, it is seen that the competent authority rejected the petitioner's request for revocation of the order of suspension on the ground that the petitioner was issued with a charge memo dated 03.09.2012, and the fact remains that on 25.05.2016, the memo was cancelled.

7.In view of the above, I am inclined to grant

permission to the petitioner to make fresh representation for revocation of the order of suspension, as the reasons assigned in the impugned order are not sustainable in law. If any representation is made, the 3rd respondent shall pass appropriate orders on merits and in accordance with law within a period of twelve weeks' from the date of receipt of a copy of this order.

8. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

abr
To

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
NPKRR Maaligai, 144, Anna Salai,
Chennai-600 002.
2. The Chief Engineer (Distribution),
TANGEDCO, TATABAD,
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3. The Superintending Engineer,
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W.P.No.22344 of 2019

A.SK (05/11/2019)

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