



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

WEB COPY

W.P(MD)No.16393 of 2018 and
WMP(MD).Nos.14555 and 14556 of 2018

T.R.Narayanan

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board,
Old No.800, New No.144, Anna Salai,
8th Floor, NPKRR Maligai,
Chennai - 2.
- 2.The Chief Engineer / Personnel,
Tamil Nadu Electricity Board,
Old.No.800, New. No.144, Anna Salai,
8th Floor, NPKRR Maligai,
Chennai -2.
- 3.The Chief Engineer / Distribution,
TANGEDCO Limited,
Trichy.
- 4.The Superintending Engineer,
O/o. the Superintending Engineer,
Karur Electricity Distribution Circle,
Karur, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the suspension order passed by the 4th respondent herein in his proceeding Memo No.8834/299/Adm.1/A2/F.Doc/2011, dated 11.08.2011 quash the same and direct the respondents to reinstate the petitioner into service.

For Petitioner : Mr.T.Ramesh

For Respondent : Mrs.P.Malini for
M/s.T.S.Gopalan and Co
Standing Counsel

**ORDER**

This writ petition has been filed to quash the suspension order passed by the 4th respondent herein in his proceeding No.8834/299/Adm.1/A2/F.Doc/2011, dated 11.08.2011 and consequently, direct the respondents to reinstate the petitioner into service.

2. According to the petitioner, he was serving as a Assistant Engineer, Chinnapalayanur, Karur Distribution Circle in respondents / Board. Based on the complaint given by one E. Sundararaju, a case has been registered against the petitioner in Crime No.22 of 2011, for the offence punishable under Section 7 of Prevention of Corruption Act, 1988, by the Inspector of Police, Vigilance and Anti Corruption, Trichy. Thereafter, the petitioner was placed under suspension. Now, the said case is pending and the trial is yet to commence and therefore, the respondent / Board has kept the petitioner prolonged suspension. In such circumstances, the petitioner has made representations to the second respondent on 27.05.2016 and 14.07.2018, respectively, but, so far, no order has been passed. Hence, the petitioner has come forward with the present Writ Petition.

3. The learned counsel appearing for the petitioner submitted that a charge sheet has been filed in the said Crime number and the same is pending for trial. He would further submit that in the light of judgment rendered by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India (UOI) and others** reported in **2015 (3) CTC 119**, the respondents may consider the representation of the petitioner and pass appropriate orders.

4. The learned Standing Counsel appearing for the respondents would submit that respondents / Board has already initiated disciplinary proceeding against the petitioner on 10.08.2018 and the enquiry is pending. Therefore, if any revocation of the suspension is made it would effect the interest of public and the said order passed by the respondent is perfectly valid and the same is sustainable in law.

5. By considering the submissions made on both sides, this Court, directs the 4th respondent to consider the petitioner's representation, dated 14.07.2018 and pass appropriate orders, by taking note of the orders passed in the Judgment of the Hon'ble Supreme Court reported in **2015 (3) CTC 119, (Ajay Kumar Choudhary Vs. Union of India (UOI) and others)**, within a period of six weeks from the date of receipt of a copy of this order.



6. This Writ Petition is disposed of, with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (P&A)

/ True Copy /

Sub Assistant Registrar (CS-)

To

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O/o. the Superintending Engineer,
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+1 CC to M/s.P.MALINI, Advocate (SR-75779[F] dated 17/07/2019)

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16.07.2019

trp
ES/31.07.2019/3P/6C