



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P (MD) No. 16979 of 2018

and

WMP (MD) No. 14960 of 2018

A. Maheswaran

.. Petitioner

Vs.

1. The Chief Engineer,
O/o. the Chief Engineer,
Distribution TANGEDCO,
K. Pudur, Madurai - 625 007.

2. The Superintending Engineer,
O/o. the Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO,
Meenatchinayakanpatti,
Dindigul - 624 002.

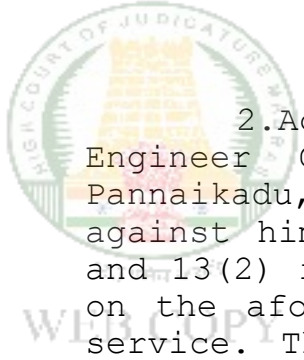
... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Suspension order in Proceedings Memo.No.345/Adm.III/A2/F.Doc/2017 dated 23/06/2017 and consequential Impugned Order in Ka.No.08574 / 1043 / NiPi.3 / Ni Oo.2/Ko.Thani / 2018 dated 24/07/2018 on the file of the Respondent No.2 and quash the same as illegal and consequently direction directing the Respondent No.2 to revoke the Suspension of the Petitioner and reinstate the petitioner in the post of Junior Engineer I Grade in the light of order passed by the Hon'ble Supreme Court in **Ajay Kumar Choudhary Vs. Union of India (UOI) and others** reported in **2015 7 SCC 291**.

For Petitioner : Mr.L.Pinaygash
For Respondents : Mr.S.Dhayalan

ORDER

This Writ Petition has been filed to quash the impugned suspension order in Memo.No.345/Adm.III/A2/F.Doc/2017 dated 23.06.2017 and the consequential order in Ka.No.08574 / 1043 / NiPi.3 / Ni Oo.2/Ko.Thani / 2018 dated 24.07.2018 passed by the second respondent and consequently direct the second respondent to revoke the suspension of the petitioner and reinstate him in the post of Junior Engineer I Grade, in the light of order passed by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India (UOI) and others** reported in **2015 7 SCC 291**.



2. According to the petitioner, he was working as Junior Engineer Grade - I in the respondent Electricity Board at Pannaikadu, Dindigul District. While so, a case was registered against him in Crime No.3 of 2017 for the office under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. Based on the aforesaid criminal case, the petitioner was suspended from service. Thereafter, no charge was framed against the petitioner. Hence, the petitioner made representations dated 10.04.2018 and 25.05.2018 to the respondents requesting to revoke the order of suspension. But, the respondents have not chosen to consider the request of the petitioner. Hence, the petitioner is before this Court with the aforesaid relief.

3. The learned Standing Counsel appearing for the respondents would submit that by taking note of the facts of the case and in the light of the 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 representation of the petitioner dated 25.05.2018 will be considered by the second respondent on merits and orders be passed within a time frame to be fixed by this Court.

4. The issue involved in this writ petition was elaborately dealt with by this Court on an earlier occasion in W.P.[MD]Nos.4156 of 2016, decided on 29.07.2019 and the following directions were issued:

i) the third respondent is directed to issue suitable instructions to the officers concerned to comply with the aforesaid Government Order dated 22.02.1983 and the said memorandum dated 28.07.1986 in letter and spirit without any deviation, within a period of four weeks from the date of receipt of a copy of this order;

ii) based on the aforesaid instruction, the first respondent shall communicate all the concerned officials for taking appropriate action against the erring officials and staffs of the respondent board, who are involved in criminal charges registered under the provisions of Prevention of Corruption Act, 1988, lodged by the DV&AC Department. If no disciplinary action is taken by the officials concerned, the first respondent is directed to take necessary action against the officials concerned;

iii) the Director of Vigilance and Anti Corruption Department shall also furnish the relevant documents to the disciplinary authorities concerned in accordance with rules for initiating departmental disciplinary proceedings against the erring officials and staffs of the respondent board based on the criminal charges under the provisions of Prevention of Corruption Act, 1988, lodged by the DV&AC Department; and



iv) insofar as the instant case is concerned, in the light of the 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 second respondent is directed to consider the petitioner's representation dated 09.06.2015 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order;

5. In view of the above, this Court directs the second respondent to consider the petitioner's representation dated 25.05.2018 in the light of the 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**, and also taking note of the aforesaid directions issued by this Court and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.14960 of 2018 is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chief Engineer,
O/o.the Chief Engineer,
Distribution TANGEDCO,
K.Pudur, Madurai - 625 007.

2. The Superintending Engineer,
O/o.the Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO, Meenatchinayakanpatti,
Dindigul - 624 002.

+1 CC to Mr.I.PINAYGASH, Advocate SR-78350.
+1 CC to Mr.S.DHAYALAN, Advocate SR-78972.

W.P (MD) No.16979 of 2018
29.07.2019