



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.22619 of 2019

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T.Nithya

... Petitioner

-Vs-

The Executive Engineer,
Tamil Nadu Transmission Corporation Ltd.,
Transmission Line Construction,
General Construction Circle,
Trichy-620 026.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to revoke petitioner suspension order dated 12.07.2019 passed against the petitioner in the light of the Judgment rendered by the Hon'ble Apex Court judgment reported in 2015 (3) CTC 119 (Ajay Kumar Choudhary Vs. Union of India and others).

For Petitioner : Mr.I.Murugesan

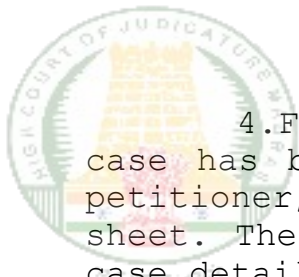
For Respondent : Mr.G.Kasinathadurai

ORDER

The writ petition has been filed for a direction to the respondent to revoke petitioner suspension order dated 12.07.2019, passed against the petitioner in the light of the Judgment of the Hon'ble Supreme Court of India in ***Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291***, within the time period stipulated by this Court.

2.Mr.G.Kasinathadurai, learned Counsel takes notice for the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, she was working as an Assistant Engineer in the respondent Corporation since 2012. In view of the criminal case pending against the petitioner, she was arrested and detained by the Police and hence, she was suspended from service on 12.07.2019. According to the petitioner, she was enlarged on bail by the order of this Court, dated 13.08.2019. The petitioner has made a representation, dated 28.08.2019, to the respondent to revoke the suspension in the light of the Judgment of the Hon'ble Supreme Court in ***Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291***.



4.From the materials on record, it is seen that the criminal case has been registered against the petitioner. According to the petitioner, the criminal case is pending without filing any charge sheet. The petitioner has not given any details with regard to the case details.

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5.On the other hand, the learned Counsel appearing for the respondent submitted that the petitioner cannot seek revocation of the suspension, even though it is beyond three months. The Judgment of the Hon'ble Supreme Court is not applicable to the facts of the present case.

6.In view of the above said reason, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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+1 CC to Mr.I.MURUGESAN, Advocate (SR-94199[F] dated 24/10/2019)

+1 CC to Mr.G.KASINATHADURAI, Advocate (SR-94464[F] dated 25/10/2019)

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