

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 19.11.2020

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.No.12906 of 2020

T.K.Govindan

... 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,
Chennai Region-South,
Tamil Nadu Generation and Distribution Corporation Ltd
(TANGEDCO)
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.
- 3.The Chief Engineer-Personnel
Tamil Nadu Generation and Distribution Corporation Ltd
(TANGEDCO)
NPKRR Maaligai,
144, Anna Salai,
Chennai - 600 002.
- 4.The Superintending Engineer,
CEDC (South-I),
110/33 KVSS Complex,
K.K. Nagar, Chennai - 600 034

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to treat the suspension period from 06.12.2010 to 30.09.2019 as duty and regularise the suspension period with all consequential benefits till date.

For Petitioner : Mr.K.Gowthamkumar

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

ORDER

The matter is taken up through Web hearing.

2. This Writ Petition has been filed to issue a Writ of Mandamus directing the respondents to treat the suspension period from 06.12.2010 to 30.09.2019 as duty and regularise the suspension period with all consequential benefits till date.

3. According to the petitioner, when he was working as Foreman in the respondent TANGEDCO, he was placed under suspension on the allegation that he demanded illegal gratification in discharge of his duties. He was placed under suspension on 06.12.2010 and he was also proceeded against criminally for the offence punishable under Section 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. Thereafter, the criminal case was launched against him and finally, the petitioner was acquitted of the criminal charges by the competent criminal Court on 08.04.2019. The suspension order passed against the petitioner also came to be revoked on 12.09.2019 and the petitioner rejoined duty on 30.09.2019 as Foreman Grade-I.

4. In view of the revocation of the suspension against him, the petitioner claims to have submitted representations on 20.03.2020 and 07.08.2020 to the 4th respondent for regularisation of suspension period between 06.12.2010 and 30.09.2019. Since no orders were passed, the petitioner is before this Court.

5. Notice was ordered and in response to the notice, Mr.P.R.Dilip Kumar, learned Standing Counsel appeared for the respondents.

6. When the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that during the pendency of this writ petition, after the acquittal by the criminal court, the department has issued a charge memorandum against the petitioner by proceeding dated 16.09.2020. According to the learned counsel, since the petitioner has already suffered for 10 years by being under suspension, any further delay in completion of the department proceedings against him would result in undue and continued hardship to the petitioner. Therefore, she requested this Court to direct the respondents to complete the departmental action initiated against the

petitioner, presently.

7. At this, the learned Standing Counsel appearing for the TANGEDCO would submit that if any direction is issued in this regard by stipulating reasonable time, the same would be complied with.

8. In fact, a memo dated 14.10.2020 has also been filed to this effect on behalf of the petitioner which is taken on file.

9. In view of the limited direction being sought for by the learned counsel for the petitioner during the course of verbal submission and the learned Standing Counsel for the respondents, having no objection for the direction, the Writ Petition is disposed of as under.

i) The respondents are directed to complete the departmental enquiry initiated against the petitioner in pursuance of the charge memorandum dated 16.09.2020 within a period of three months from the date of receipt of a copy of the order. The respondents shall take expeditious steps to complete the enquiry and pass final order in the disciplinary proceedings within the stipulated time as the subject matter of charge relates to the year 2010.

ii) The respondents are also directed to conform to the established principles of natural justice and also to the disciplinary rules, governing service conditions of the petitioner.

iii) It is also made clear that the petitioner shall extend his utmost cooperation for earlier conclusion of the enquiry as this direction is issued at his instance.

13. The Writ Petition is disposed of accordingly. No costs.

-Sd/-
Assistant Registrar (CS)
// True Copy //

Sub Assistant Registrar

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To

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W.P.No.12906 of 2020

MG (CO)
UM (15.12.2020)

सत्यमेव जयते

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