



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.17690 OF 2021

AND

W.M.P.NOS.18855 & 18857 OF 2021

(THROUGH VIDEO CONFERENCING)

M.Saravanan

... Petitioner

Vs

1. The Chairman cum-Managing Director,
TANGEDCO,
NPKRR Maaligai,
No.144, Anna Salai, Chennai - 600 002.

2. The Chief Engineer, (Personnel),
TANGEDCO,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

3. The Superintending Engineer,
PEDC/TANGEDCO/230 KVSS Complex,
4 Road, Thuraimangalam,
Perambalur - 621 220.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records culminating in the Impugned Order of Suspension dated 14.02.2020 bearing Memo No.36/ADM.II/A.2/F.Suspension/2020 passed by the 3rd respondent and the consequential Impugned reply bearing கு.ஆ.எண் 418.நிபி2/உ.2/கோ.ஒழுங்கு நடவடிக்கை.2021 dated 04.08.2021 and quash the same and direct the 3rd respondent to reinstate the petitioner in service in any non sensitive post with all benefits including continuity of service.

For Petitioner

: Mr.M.Aravind Subramaniam

For Respondents

: Mr.P.Subramanian
Standing Counsel



ORDER

The Petitioner had earlier filed writ petition in W.P.No.3542 of 2021 and had questioned the suspension order dated 14.02.2020. By an order dated 18.02.2021, the writ petition was disposed by directing the respondents to consider the representation of the petitioner for revoking of the suspension order dated 14.02.2020. Pursuant to the aforesaid order 18.02.2021, the impugned order has been passed by the third respondent whereby the request of the petitioner for revoking the suspension order has been rejected.

2.It is the case of the petitioner that the petitioner was not directly involved in any crime. He was alleged to have been demanding bribe of Rs.1,000/- and directed the customer of the TANGEDCO to pay a sum of Rs.9,000/- to the Assistant Engineer by name Rajiv Gandhi. The petitioner was arrested and incarcerated and thereafter, bail was obtained by the petitioner from this court on 16.03.2020 in Crl.O.P.No.5969 of 2020.

3.Assailing the order of the third respondent rejecting the request of the petitioner for recalling the suspension order dated 14.02.2020, the learned senior counsel for the respondent submits that already an order has been by this court in W.P.No.10494 of 2020 dated 06.08.2021 wherein, wherein, reliance was placed on the decision of the Hon'ble Supreme Court in Ajay Kumar Choudary Vs Union of India, (2015) 7 SCC 291 and also taking note of the decision of the Division Bench of this court and W.A.Nos.599 & 522 of 2020, this court had directed the respondents to speed up the disciplinary proceedings by issuing a charge memo and complete the disciplinary proceedings within a period of six months and post the petitioner in any non-sensitive post where he will not get an opportunity to either indulge in corruption or tamper with the evidence. He submits that similar order can be passed instead of quashing the impugned order rejecting the request of the petitioner for recalling the suspension order.

4.The learned senior counsel for the petitioner submits that the Hon'ble Supreme Court in The State of Tamil Nadu Vs Promoth Kumar, 2018 (2) SCC Online SC 1079, has revisited the issue and granted relief under similar circumstances. He therefore submits that the petitioner can be reinducted into service without prejudice to the rights of the respondents to proceed with the case.

5.The learned Senior Counsel has also drawn attention to the decision of the Hon'ble Supreme Court in the State of The State of Tamil Nadu Vs Promoth Kumar, 2018 (2) SCC Online SC 1079 wherein the Hon'ble Supreme Court has followed the view taken by



it in Ajay Kumar Choudary Vs Union of India, (2015) 7 SCC 291.

6.The learned Standing Counsel for the respondents submitted that the petitioner was involved in corruption. He therefore, submits that the impugned order was correctly passed and there is no merits in the present writ petition.

7.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

8.The petitioner has placed under suspension with effect from 08.02.2000 and pursuant to a suspension order issued on 14.02.2020. Though, the Hon'ble Supreme Court in Ajay Kumar Choudary Vs Union of India, (2015) 7 SCC 291 has held that an employee should not be kept under suspension without issuance of charge memo. It is to be noticed that though the Hon'ble Supreme Court has observed as above it did not grant any relief in the delinquent therein. However, that ratio is being followed and based on the aforesaid ratio, relief are being granted by this Court.

9.Considering the fact that the petitioner was allegedly involved in corruption, and had demanded bribe. This writ petition is disposed by directing the respondent to issue a charge memo to the petitioner within a period of 45 days from the date of receipt of a copy of this order. In case, no charge memo is issued within the aforesaid period, the respondent shall reinstate the petitioner into the service in any non-sensitive posts in any department of the respondent where the petitioner cannot get an opportunity to tamper with the evidence against him and get an opportunity to indulge in corruption. In case, subsistence allowance has not been paid to the petitioner, the respondent shall pay the same within a period of 30 days from the receipt of a copy of this order.

10.Writ petition stands disposed of with the above observations. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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PEDC/TANGEDCO/230 KVSS Complex,
4 Road, Thurai mangalam,
Perambalur - 621 220.

+1cc to Mr.M.Aravind Subramaniam, Advocate, S.R.No.42768
+1cc to Mr.P.Subramanian, Advocate, S.R.No.42861

W.P.No.17690 of 2021
and
W.M.P.Nos.18855 & 18857 of 2021

RSI (CO)
PM/06/10/2021