



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.10534 of 2021

WEB COPY

P.Karuppasamy

... Petitioner

Vs.

1.The Chairman,

Tamilnadu Electricity Board,
No.144, Anna Salai,
N.P.K.R.R.Maligai,
Chennai-600 002.

2.The Chief Engineer (Personnel)

Tamilnadu Electricity Board,
TANGEDCO,
No.144, Anna Salai,
N.P.K.R.R.Maligai,
Chennai-600 002.

3.The Superintending Engineer,

Tirunelveli Electricity Distribution Circle,
TANGEDCO,
Maharaja Nagar,
Tirunelveli District-11.

4.The Executive Engineer,

(Distribution/Urban),
TANGEDCO, VM Chatiram,
Tirunelveli District-11.

5.The Assistant Executive Engineer,

O/o.the Assistant Executive Engineer,
TANGEDCO (Distribution),
Palayamkottai,
Tirunelveli District-627 103.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to review and revoke the suspension order of the petitioner, dated 30.01.2019 and reinstate the petitioner in the light of Chapter II, Section 2(3) of Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations and based on the co-accused revocation order Memo.No.014130/436/ADM.IV/A.1/F.D.P/2019, dated 22.07.2019 passed by the third respondent.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.T.Sakthikumaran

Standing Counsel for TANGEDCO



ORDER

This writ petition is filed for a direction to the respondents 1 to 3 to review and revoke the suspension order of the petitioner, dated 30.01.2019 and reinstate the petitioner in the light of Chapter II, Section 2(3) of Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations and based on the co-accused revocation order, Memo.No.014130/436/ADM.IV/A.1/F.D.P/2019, dated 22.07.2019, passed by the third respondent.

2. According to the petitioner, while he was working as Commercial Inspector, the fourth respondent, by the order, dated 30.01.2019, suspended the petitioner from service. A chargememo, dated 10.05.2019, was issued to the petitioner. Subsequently, on 12.06.2019 the fourth respondent lodged a false complaint to the police and the same was registered in Cr.No.26 of 2020 for the offences under Sections 409 and 477(A) of IPC, against the petitioner and others. The petitioner has made various allegations against his higher officials and also filed the following writ petitions:-

(I) W.P(MD)No.5899/2013-Challenging the order of suspension.

(ii) W.P(MD)No.14631/2019-Challenging the chargememo.

(iii)W.P(MD)No.24941/2019- Challenging the order of fourth respondent in reducing the subsistence allowance.

(iv) W.P(MD)No.5222/2020- Challenging the order of appointment of Enquiry Officer.

3. This Court, by order, dated 19.03.2021, made in W.P(MD) No.5899 of 2019, which was filed challenging the order of suspension, directed the fourth respondent herein to consider the representation of the petitioner, dated 19.02.2019, in the light of the judgment of the Hon'ble Apex Court in **Ajay Kumar Choudhary vs. Union of India and another** reported in **2015(7) Supreme Court Cases 291**. The fourth respondent by order, dated 06.05.2021, rejected the said request. Thereafter, the petitioner gave representation, dated 14.06.2021 to the respondents to review and revoke the order of suspension as per Chapter-II Section 2(3) of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations and has come out with the present writ petition.

4. The learned counsel appearing for the petitioner referred to various allegations made by the petitioner against his higher officials and submitted that a criminal case was foisted against the petitioner and others based on the false complaint and disciplinary proceeding has also been initiated against the petitioner to wreak vengeance on the petitioner for the complaint given by him to Assistant Director General of Police(Vigilance), Chennai, against the higher officials for misappropriation of money. The learned counsel appearing for the petitioner also submitted that the third respondent revoked the suspension of four other co-accused in the year 2019 itself. The third respondent is not considered the



request of the petitioner for revocation of suspension and reinstatement of the petitioner. Relying on the pendency of the very same criminal case, the petitioner alone is discriminated.

5. Mr.T.Sakthikumaran, learned Standing Counsel takes notice for the respondents and submitted that in view of the pendency of the criminal case and the disciplinary proceedings, the petitioner's request for revocation of suspension, was rejected. The petitioner has not challenged the said order and prayed for dismissal of the writ petition.

6. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

7. From the above materials on record and the submission of the learned counsel for the petitioner and the respondents, it is seen that as per Chapter-II Section 2(3) of Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations, the respondents 1 to 3 have to review the order of suspension after four months periodically. Further, the suspension of co-accused, who were involved in the criminal case, was revoked by the third respondent in the year 2019 itself. The fourth respondent while rejecting the request of the petitioner for revocation of suspension cited only the pendency of the criminal case and disciplinary proceedings, but failed to take into consideration the revocation of suspension of four other co-accused.

8. In view of the above facts, the respondents 1 to 3 are directed to consider the representation of the petitioner, dated 14.06.2021 to review and revoke the order of suspension taking into consideration Chapter II Section 2(3) of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations, the revocation of suspension of four other co-accused and also the judgment of the Hon'ble Apex Court in **Ajay Kumar Choudhary's case [supra]** and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The Chairman,
Tamilnadu Electricity Board,
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Chennai-600 002.

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3.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO,
Maharaja Nagar,
Tirunelveli District-11.

+1 CC to M/s.T.SAKTHIKUMARAN, Advocate (SR-20083[F] dated
24/06/2021)

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