



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.12294 of 2021

N.Murugesan

... Petitioner

Vs.

1.The Chief Engineer (Personal),
TANGEDCO,
No.144, Anna Salai,
10th Floor, N.P.K.R.R.Maligai,
Chennai-600 002.

2.The Chief Engineer (Distribution),
TANGEDCO,
Madurai Region,
K.Pudur,
Madurai District-600 007.

3.The Superintending Engineer,
Madurai Electricity Distribution Circle (Metro),
TANGEDCO,
K.Pudur,
Madurai District-600 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent No.3 to revoke the Suspension order of the Petitioner dated 21.12.2012 and reinstate him in the post of Junior Engineer I Grade in the light of the order passed by the Hon'ble Supreme Court in Ajay Kumar Choudhary - vs - Union of India reported in (2015) 7 SCC 291 and based on the Acquittal Judgment in Special Case No. 18 of 2014 dated 31.01.2020 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.T.Sakthi Kumaran
Standing Counsel



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the Respondent No.3 to revoke the Suspension order of the Petitioner dated 21.12.2012 and reinstate him in the post of Junior Engineer I Grade in the light of the order passed by the Hon'ble Supreme Court in Ajay Kumar Choudhary - vs - Union of India reported in (2015) 7 SCC 291 and based on the Acquittal Judgment in Special Case No. 18 of 2014 dated 31.01.2020 within the time stipulated by this Court.

2. The case of the petitioner is that when he was working as Junior Engineer Grade - I at Vilangudi, Madurai District, he was suspended from service on 21.12.2012, based on a criminal case registered against him in Crime No.11 of 2012, under Section 7 and 13 (2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. The said case was taken on file in Special Case No.18 of 2014 by the Special Court for Trial of Vigilance and Anti-Corruption Cases, Madurai. Thereafter, the petitioner was acquitted by the trial Court. The grievance of the petitioner is that though the respondent has passed the suspension order on 21.12.2012, till date, they have not issued any charge memo to the petitioner and there is no review or extension made against the said suspension. Hence, the petitioner made a representation on 21.04.2020, seeking to revoke the suspension. Since no order has been passed, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that there is no embargo on the respondents to revoke the order of suspension. He further submitted that no disciplinary proceedings has been initiated by the respondents. Hence, he prays for allowing the writ petition.

4. The learned counsel appearing for the respondents submitted that the fact submitted by the petitioner has not been disputed.

5. Considering the facts and circumstances of the case, this Court directs the first respondent to consider the representation of the petitioner dated 21.04.2020 and pass appropriate orders for revoking the order of suspension, if there is no legal impediment, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs.

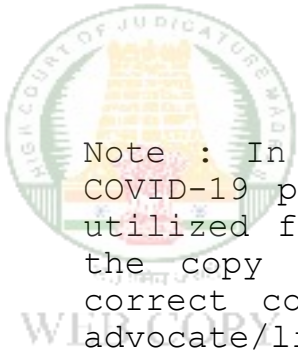
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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No.144, Anna Salai,
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- 3.The Superintending Engineer,
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TANGEDCO,
K.Pudur,
Madurai District-600 007.

+1 CC to M/s.T.SAKTHIKUMARAN, Advocate (SR-29186
[F] dated 15/09/2021)

**W.P (MD) No.12294 of 2021
15.09.2021**

MGJ(01.10.2021) 3P 5C