



WEB COPY

WP(MD) No.16930 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.16930 of 2020

and

W.M.P (MD) No.14172 of 2020

C.J.Christopher Signi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Energy (D2) Department, 5th floor,
Secretariat, Fort St.George,
Chennai-9.

2.The Chief Electrical Inspector to Government,
O/o. the Chief Electrical Inspector of Government,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai-600 032.

3.The Senior Electrical Inspector,
Corporation Commercial Complex,
Dr. Nanjappa Road,
Coimbatore 641 018.

4.The Secretary to Government,
Personnel and Administrative
Reforms (N) Department,
Secretariat,
Chennai-09.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Suspension Order in G.O.Ms.No.96, Energy (D2) Department, dated 27.12.2018 on the file of the first respondent and consequential impugned rejection order in Letter (D) No.40 dated 26.08.2019 on the file of the first respondent and consequential impugned Letter No.30861/E3/2018 dated 06.06.2020 on the file of the second respondent and quash the same as illegal and consequently direction directing the first respondent to revoke the suspension order in G.O.Ms.No.96 dated 27.12.2018 and reinstate the petitioner in the post of Electrical Inspector in 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 in Letter (Ms) No.43/N/2015-3 dated 26.04.2016 passed by the Principal

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Secretary, Personal and Administrative Reforms(N) Department,
Chennai, within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2.By placing reliance on the decision of the Hon'ble Apex Court in the case of **Ajay Kumar Choudhary vs Union of India** reported in **(2015) 7 SCC 291**, the petitioner seeks for direction to the respondents for reviewing the impugned suspension order. The Hon'ble Division Bench of this Court in W.A.No.599 of 2020, dated 02.09.2020, in the case of **TANGEDCO Vs A.Srinivasan**, has held that the ratio laid down in the Ajay Kumar Choudhary's case will not apply to the cases involving Prevention of Corruption Act. However, the same Hon'ble Division Bench in W.A.No.552 of 2020, dated 21.07.2020, in the case of **D.Jawahar Vs The Chairman, TNEB and others**, was of the view that in cases involving corruption charges, the respondent can be directed to proceed with the disciplinary proceedings and conclude the same within a period of four months. In case, the concerned Authority is unable to conclude the proceedings, the suspension order could be reviewed. The relevant portion of the order reads as follows:-

4.We are, therefore, not inclined to interfere with the suspension order, but we direct the respondent Tamil Nadu Electricity Board to proceed and preferably conclude the disciplinary proceedings against the appellant not later than four months from today. In the event such a court is not adopted by the respondent Tamil Nadu Electricity Board, then the competent authority shall proceed to consider the review of the suspension order in accordance with law. The Writ Appeal is disposed of with the above observations.

3.The learned counsel for the petitioner would also submit that they are willing to co-operate with the disciplinary proceedings, which according to him, has already been initiated and abide the above observations made by the Hon'ble Division Bench.

4.Accordingly, this Writ Petition stands disposed of with a direction to the respondents to complete the disciplinary proceedings against the petitioner herein at least within a period of four months from the date of receipt of a copy of this order. In



any event, the respondents are unable to conclude the disciplinary proceedings within a time stipulated, the competent Authority shall review the impugned order of suspension in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

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Assistant Registrar (CO)

// 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

1.The Principal Secretary,
Energy (D2) Department,
Government of Tamil Nadu,
5th floor, Secretariat,
Fort St.George, Chennai-9.

2.The Chief Electrical Inspector to Government,
O/o. the Chief Electrical Inspector of Government,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai-600 032.

3.The Senior Electrical Inspector,
Corporation Commercial Complex,
Dr. Nanjappa Road,
Coimbatore 641 018.

4.The Secretary to Government,
Personnel and Administrative
Reforms (N) Department,
Secretariat,
Chennai-09.

+1 CC to Mr.I.PINAYGASH, Advocate (SR-4219[F] dated 10/02/2021)

+1 CC to GP (SR-4257[F] dated 10/02/2021)

W.P. (MD) No.16930 of 2020

and

W.M.P (MD) No.11902 of 2020

09.02.2021

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