



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.23717 of 2019

A.Maheswaran

...Petitioner

Vs.

1. The Chief Engineer,
Administrative Branch,
O/o. the Chief Engineer,
Distribution TANGEDCO,
K.Pudur, Madurai-625 007.

2. The Superintending Engineer,
O/o. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO, Meenatchinayakanpatti,
Dindigul-624 002.

... 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 order in Lr.No.20038/Adm.III/A2/F.Court Case/2019, dated 21.10.2019 on the file of the second respondent and quash the same as illegal and consequently to direct the respondents to revoke the suspension of the petitioner and reinstate the petitioner in the post of Junior Engineer Grade I 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, within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.T.Sakthikumaran

O R D E R

Heard Mr.S.Louis, learned counsel for the petitioner and Mr.T.Sakthikumaran, learned counsel for the respondent.

2. The petitioner, while serving as Junior Engineer Grade-I, Pannaikadu, Dindigul District, was placed under suspension by the second respondent herein, through an order dated 21.10.2019, which is impugned in the present writ petition. The petitioner herein is aggrieved against the prolonged suspension.

3. By placing reliance on the decision of the Hon'ble Supreme Court in the case of ***Ajay Kumar Choudhary v. Union of India***, reported in (2015) 7 SCC 291, the learned counsel for the petitioner would submit that such a prolonged suspension is impermissible.



4. The Hon'ble Division Bench of this Court in the case of **Tamil Nadu Generation & Distribution Corporation Limited and Ors Vs A.Srinivasan** reported in **2020 LabIC 3814**, had held that the principles laid down in the **Ajay Kumar Choudhary's case (supra)** would not be applicable to the delinquencies involving Prevention of Corruption Act.

5. As such, the ground raised by the petitioner for revoking of suspension on the ground of prolonged suspension cannot be sustained. Nevertheless, if the petitioner is granted liberty to approach the second respondent with a request to revoke his suspension on sympathetic grounds, the ends of justice could be secured.

6. In the light of the above, the petitioner is granted liberty to give a representation to the second respondent herein seeking for revocation of suspension and on receipt of such representation, the second respondent herein shall consider the same on its own merits and take further course of action in accordance with law, preferably, within a period of two (2) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim made by the petitioner.

7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 Chief Engineer,
Administrative Branch,
O/o. the Chief Engineer,
Distribution TANGEDCO,
K. Pudur, Madurai-625 007.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Superintending Engineer,
O/o. The Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO, Meenatchinayakkanpatti,
Dindigul-624 002.

Order made in
W.P. (MD) No.23717 of 2019
19.03.2021

VB (01.04.2021) 3P 3C