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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.3.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.3097 of 2020
and W.M.P.No.3646 of 2020

M.Shanmugam

... Petitioner

Vs.

- 1 The Chairman,
Tamil Nadu Generation And Distribution
Corporation Ltd., Nadippisai Pulavar
K.R. Ramasamy Building, No.144 Anna Salai,
Chennai 600 002.
- 2 The Chief Engineer (Personnel),
Tamil Nadu Generation And Distribution
Corporation Ltd., Nadippisai Pulavar
K.R.Ramasamy Building,
No.144, Anna Salai, Chennai 600 002.
- 3 The Chief Engineer,
Distribution Villupuram Region, Tamil Nadu
Generation And Distribution Corporation Ltd.
Villupuram.
- 4 The Superintending Engineer
Cuddalore Electricity Distribution Circle,
Tamil Nadu Generation And Distribution
Corporation Ltd. Villupuram. ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records culminating in the order of Suspension dated 07/03/2011 bearing memo No.04414/134/ Ni.pe3/ Assistant 1/Ko.Ve.Sha.Aa.C /2011 passed by the 4th respondent and quash the same and direct the 2nd respondent to reinstate the petitioner in service with all benefits including continuity of service.

For Petitioner : Mr.A.Sathasivam

For Respondent : Mr.P.Subramanian
Standing Counsel



O R D E R

The Writ petitioner while working as Commercial Inspector at AE/O & M, Aavalurpettai, one Mr.Perichigounder had made an application for a new Electricity connection for his agricultural Well Pumpset service connection. The defacto complainant P.Prakasam, S/o Perichigounder visited the petitioner's office and enquired about the service connection, the petitioner informed the defacto complainant to produce relevant records to prove the land comes under Survey No.41/1 which was subsequently, changed to 41/1B. On 7.3.2011, a trap was laid by the Directorate of Vigilance and Anti Corruption based on the complaint given by P.Prakasam that the petitioner demanded bribe for providing new electricity service connection to his agriculture Pumpset. The defacto complainant had approached the petitioner in his office and during the course of conversation between the petitioner and the defacto complainant, the officials of the DVAC arrested the petitioner alleging that the petitioner demanded bribe from P.Prakasam and remanded to judicial custody. Thereafter, a criminal case has been registered in Cr.No.3 of 2011 for the offence punishable under Sec.7 of Prevention of Corruption Act, 1988 and the case was taken on the file of Special Court constituted to try the cases under Prevention of Corruption Act, Villupuram in Spl. C.C. No.17 of 2014. According to the petitioner, examination of witnesses has already been concluded and the case was posted for arguments. The petitioner was placed under prolonged suspension for more than 12 years. Therefore the petitioner has approached this Court for revocation of suspension order.

2. The learned Standing Counsel appearing for the respondents would submit that the criminal case pending on the file of the Special Court constituted to try the cases under Prevention of Corruption Act, Villupuram in Spl. C.C. No.17 of 2014 is posted for arguments. According to the Standing Counsel appearing for the respondents, appropriate direction may be passed to the Criminal Court for speedy disposal of the criminal proceedings in Spl.C.C. No.17 of 2014. According to the Standing Counsel for the respondents, so far the respondent has not initiated disciplinary proceedings for the aforesaid charges.

3. Heard the rival submissions of the parties and perused the materials available on record.

4. On 7.3.2011, a trap has been laid by the Directorate of Vigilance and Anti Corruption Department in the office of the A.E./O&M/Pennadam whereby the petitioner was arrested by the officials of D.V.A.C., Villupuram and a Criminal case has been



registered in Cr.No.3 of 2011 for the offence of demanding illegal gratification of Rs.3000/- and accepting the same. Based on the aforesaid Criminal case, the petitioner was suspended from service on the same day. As per the Circular issued by the respondent, dated 18.10.2021 reiterated the earlier instructions issued by the Government in the letter, dated 18.10.2012 and the aforesaid instructions are strictly complied with by the respondents to initiate disciplinary proceedings simultaneously. The learned counsel appearing for the petitioner would also submit that appropriate direction may be issued to the Special Court, Villupuram for speedy disposal of the aforesaid criminal case.

5. This Court is of the view that when the Criminal case registered against the petitioner is at the stage of arguments, this Court cannot interfere with the suspension order passed by the respondent. However, this Court is inclined to direct the Special Court constituted to try the cases under Prevention of Corruption Act, Villupuram to dispose of the Criminal case in Spl.C.C.No.17 of 2014 within a period of four months from the date of receipt of the copy of the order. Taking into consideration of the fact that the petitioner is under prolonged suspension, in case criminal case has not been disposed of within the said period, the respondents are directed to consider the request of the writ petitioner for revocation of suspension, as per Rules, if any such request has been made by the petitioner.

6. With the above directions, the writ petition stands disposed of No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

- 1 The Chairman,
Tamil Nadu Generation And Distribution Corporation Ltd.,
Nadippisai Pulavar K.R.Ramasamy Building,
No.144, Anna Salai, Chennai 600 002.



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2 The Chief Engineer (Personnel),
Tamil Nadu Generation And Distribution Corporation Ltd.,
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3 The Chief Engineer (Distribution), Villupuram Region,
Tamil Nadu Generation And Distribution Corporation Ltd.,
Villupuram.

4 The Superintending Engineer,
Villupuram Electricity Distribution Circle,
Tamil Nadu Generation And Distribution Corporation Ltd.
Villupuram.

+1cc to Mr.A.Sathasivam, Advocate SR.No.21670

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AK II(CO)
GMY(22/04/2022)