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W.P.No.30684 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30684 of 2016
and
W.M.P.No.26585 of 2016

Er.M.Anbzhagan B.E.,

...Petitioner

Vs.

1.The Secretary to Government
Municipal Administration and Water Supply
Department and The Chairman,
TWAD Board,
Chennai – 600 009.

2.The Managing Director,
TWAD Board, Chennai – 600 005.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for all the connected records in the impugned orders No.5034/ Estt (DP-I) A2/97-4 dated 20.1.97 of the Managing Director, TWAD Board in placing the petitioner under Suspension from 20.1.1997 and to continue it indefinitely (for a period of 7 years and 9 months) upto 26.10.2004 and quash the same; consequently to direct the respondents more particularly the 1st respondent to treat the entire period of suspension from 21.1.1997 to 26.10.2004 as on duty for purposes



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of counting this period for pension, and other attached pensionary benefits such as Revision in the (Sanction of) Pension, Revision in the sanction of DCRG; Revision in the sanction of Commutation Revision the sanction of amount for the leave at credit. Further, for deemed promotion as Executive Engineer (which fell due in 1999) over and above my known Junior D.Rajendran, thereafter deemed promotion as Superintending Engineer (which fell due in 2006) over and above my known Junior D.Rajendran.

For Petitioner	: Mr.P.Balamurugan
For R1	: Mrs.R.L.Karthika Government Advocate
For R2	: Mrs.S.Shakila Bhanu For TWAD

ORDER

The order of suspension dated 20.01.1997 is under challenge in the present writ petition. Further, a direction is sought for to count the period of suspension as duty and to grant promotion to the higher post is also sought for.

2. The petitioner entered in service as Assistant Engineer in the TWAD Board in the year 1974 and he was placed under suspension on account of certain allegations regarding financial loss caused to the



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respondent Board.

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3. The learned counsel for the petitioner made a submission that the departmental disciplinary proceedings were concluded long back. However, the other benefits are yet to be settled in favour of the writ petitioner.

4. In this regard, the counter filed by the first respondent reveals that the impugned order of suspension was revoked on 21.10.2004 and the petitioner was reinstated into service on the said date. The departmental charges are proved and his suspension period was treated as leave, for which, he is eligible. Since the petitioner was found guilty and had undergone the punishment, his name was not considered for promotion.

5. This being the counter affidavit filed by the TWAD Board, the relief as such sought for in the present writ petition deserves no further consideration.

6. However, if the petitioner is aggrieved from and out of the any



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other action if taken by the authorities, he is at liberty to redress the same in the manner known to law.

7. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2022

Index : Yes
Speaking order: Yes
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To

1. The Secretary to Government
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Department and The Chairman,
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2. The Managing Director,
TWAD Board, Chennai – 600 005.



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S.M.SUBRAMANIAM, J.

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