



W.P.Nos.15570 & 15571 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.Nos.15570 and 15571 of 2018
and
W.M.P.Nos.18490 and 18491 of 2018

W.P.No.15570 of 2018:

P.Saravanan	...	Petitioner in W.P.No.15570 of 2018
M.Sivasankari	...	Petitioner in W.P.No.15571 of 2018

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution Corp. Ltd., (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai 2.



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2. The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution Corp. Ltd. (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai -2.
3. The Chief Engineer,
Distribution Tamil Nadu Generation and
Distribution Corp. Ltd. (TANGEDCO),
Gandhi Nagar,
Vellore -632 006.
4. The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
(TANGEDCO),
Krishnagiri 635 002.

...Respondents
in W.P.No.15570 of 2018

1. The Chairman,
Tamil Nadu Generation and Distribution Corp. Ltd., (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai 2.
2. The Chief Engineer - Personnel,
Tamil Nadu Generation and Distribution Corp. Ltd., (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai -2



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3. The Chief Engineer,
Distribution Tamil Nadu Generation and
Distribution Corp. Ltd. (TANGEDCO),
Gandhi Nagar,
Vellore -632 006.

4. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
(TANGEDCO),
Dharmapuri – 636 705.

... Respondents
in W.P.No.15571 of 2018

Prayer in W.P.No.15570 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent in Memo No. 116,/ Adm.I/A.3 / F.DVAC / 2017 dated 17.02.2017 and quash the same and consequently permit the petitioner to rejoin duty / Service as Commercial Inspector with all attendant / consequential benefits.

Prayer in W.P.No.15571 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent in Memo No.9/ Adm.I/A.1 / F. Suspension / 2018 dated 12.01.2018 and quash the same



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and consequently permit the petitioner to rejoin duty / Service as commercial Inspector with all attendant / consequential benefits.

For Petitioner : Mr.S.Sai Shankar
in both petitions

For Respondents : Mr.K.Rajkumar
Standing Counsel in both petitions

COMMON ORDER

W.P.No.15570 of 2018 has been filed to quash the order of the 4th respondent dated 17.02.2017 and consequently permit the petitioner to rejoin duty / Service as Commercial Inspector with all attendant / consequential benefits.

2.WP.No.15571 of 2018 has been filed to quash the order of the 4th respondent dated 12.01.2018 and consequently permit the petitioner to rejoin duty / Service as Commercial Inspector with all attendant / consequential benefits.



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3.In W.P.No.15570 of 2018, the petitioner was appointed as Helper in the respondent Department in 1998 and lastly, served as Commercial Inspector, Class III. During the tenure as Commercial Inspector, he was deployed in Hosur. In order to wreck the reputation of the petitioner, one M.Lokesh with the help of Vigilance and Anti-Corruption, Krishnagiri set up a false trap and entangled the petitioner in corruption case as though I received bribe from the said M.Lokesh. Thereafter, a false corruption case was registered against the petitioner on 16.2.2017. The petitioner was placed under suspension by the 4th respondent from 17.2.2017 and no charge sheet has been framed against the petitioner till date. Further, the 4th respondent who placed the petitioner under suspension neither served charge memo nor passed a reasoned order for extension of the suspension period. Therefore, the petitioner requested the 4th respondent to reinstate him into service, however, the same has not been considered and he was kept under suspension from 17.2.2017 onwards.



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4.In W.P.No.15571 of 2018, the petitioner was appointed as a Helper in the respondent Department in 2009 and she served lastly as Commercial Assistant III, A criminal case was registered against the petitioner on 11.01.2018. Based on the criminal case, he was placed under suspension by the 4th respondent by order dated 12.01.2018. In the criminal case, no charge sheet has been filed against the petitioner till date. Further, the 4th respondent who placed the petitioner under suspension neither served charge memo nor passed a reasoned order for extension of the suspension period. Therefore, the petitioner requested the 4th respondent to reinstate her into service, however, the same has not been considered and she was kept under suspension from 12.01.2017 onwards. Hence, these Writ Petitions.

5.The learned counsel for the petitioners would submit that on the ground of prolonged suspension, the petitioner seeks for interference to the suspension order through the present Writ Petition.



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6.The learned Standing Counsel for the respondents, however, though does not dispute the suspension is for indeterminate period and no review has been done, submitted that the petitioners having been trapped while taking bribe, taking them into service is not in the interest of the administration. There is no infirmity in the impugned orders passed by the 4th respondent as probity in administration and it is moral has to be maintained.

7.The Hon'ble Supreme Court, in the case of ***Ajay Kumar Choudhary v. Union of India***, reported in ***(2015) 7 SCC 291***, had set certain guidelines with regard to prolonged suspension. On a reference made by me, the Hon'ble Full Bench of this Court, in the case of ***P.Kannan Vs. Commissioner of Municipal Administration and others*** reported in



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(2022) 2 CTC 353, had held that the judgement of the Apex Court, in the case of *Ajay Kumar Choudhary (supra)*, does not lay down an absolute proposition of law that an order of suspension cannot be continued beyond the period of three months on the circumstances mentioned therein and that the order of suspension should be analysed on the facts of each case, considering the gravity of charges and the Rules applicable. It was further held that the revocation of the suspension with a direction to the employer to post the delinquent in a non-sensitive post, as held in *Ajay Kumar Choudhary's case (supra)*, also cannot be endorsed or directed as a matter of course.

8.Keeping the above principle in mind, it is not known when the criminal case launched against the petitioners is going to be concluded. Therefore, the respondents are directed to take effective steps to revoke the order of suspension against the petitioners and give necessary instructions



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to the appropriate Authorities and also reinstate the petitioners in the non-sensitive posts in similar grade subject to the outcome of the criminal proceedings. Accordingly, the Writ Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

17.11.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

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