



WEB COPY



W.P.No.19425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19425 of 2023

R.Subramanian

... Petitioner

Versus

1.The Chief Engineer,
Tamilnadu Generation and
Distribution Corporation Ltd.,
Coimbatore Region,
Coimbatore – 641 012.

2.The Superintending Engineer,
Tamilnadu Generation and
Distribution Corporation Ltd.,
Coimbatore EDC-South,
Coimbatore – 641 012.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to revoke the order of suspension issued by the 2nd respondent herein in Memo.No.005796/AdmIII/A.1/F.DV & AC/D.No.370/2022 dated 25.11.2022, by considering the petitioner's representation dated 18.02.2023.

For Petitioner

: Mr.Sarath Chandran
for Mr.V.Anandhamurthy



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ORDER

The writ petition has been filed to direct the respondents to revoke the order of suspension issued by the 2nd respondent herein in Memo.No.005796/AdmIII/A.1/F.DV & AC/D.No.370/2022 dated 25.11.2022, by considering the petitioner's representation dated 18.02.2023.

2. The petitioner was arrested for the criminal charges by the Vigilance and Anti-Corruption, Coimbatore. The charges framed against the petitioner is that he allegedly abetted the 2nd accused, who was arrested in a trap proceedings and both were arrested for the alleged offence under Section 7 of the Prevention of Corruption Act, 1988, and remanded, which lead to the deemed provision of suspension. The petitioner, in the event of being detained in custody, exceeding 48 hours was placed under suspension.

3. It is the contention of the learned counsel for the petitioner that as per the Tamil Nadu Electricity Board Employees (Discipline and Appeal) Regulations, the suspension order has been passed keeping in mind various factors and even there is possibility to retain the person in an unimportant posts.



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Pending investigation or enquiry, the suspension order should not be resorted as per Regulation 9 Clause (dd) and (e) of Tamil Nadu Electricity Board Employees (Discipline and Appeal) Regulations. Sub-Clause 3 of the said Regulation deals with review of the suspension, the case is where the suspension is beyond the period of 4 months. As far as the deemed suspension is concerned, as per Regulation 9 (e) the competent authority can revoke the suspension by exercising his discretion.

4. Considering the above, the petitioner appears to have been arrested on the allegations of abetment and no possession of amount whatever found in him, the authorities shall consider his representation and pass orders, for revoking the suspension considering the various rules particularly Regulation 9 (e) of the Tamil Nadu Electricity Board Employees (Discipline and Appeal) Regulations. Such order shall be passed within a period of one month from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs.

12.07.2023

Index : Yes/No
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N. SATHISH KUMAR, J.

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To

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