



WEB COPY



W.P.No.29036 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29036 of 2023

V. Kamalakannan

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO, CEDC,
Chengalpattu – 603 002.

2.The Chairman,
TANGEDCO,
6th Floor, TANTRANSCO Building,
No.144, Anna Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the first respondent in Memo No.004848/548/Adm2/A2/F. Suspension/2020 dated 08.10.2020 and to quash and consequently direct the respondents to reinstate the petitioner into service with consequential and attendant benefits.

For Petitioner : Ms.S. Deepika



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For Respondents : Mr.David Sundar Singh,
Standing Counsel

ORDER

Heard the learned counsel for the petitioner, as well as the learned standing counsel appearing for the respondents.

2. The petitioner herein was placed under suspension through the impugned order dated 08.10.2020 on the ground that he was involved in a Cyber Crime case in Crime No.282 of 2020 and was also arrested and remanded to judicial custody. Through a judgment of acquittal passed in C.C.No.4538 of 2021 dated 01.02.2023, the petitioner was acquitted from the criminal charges.

3. The learned counsel for the petitioner submitted that no departmental action was initiated by the respondents against the petitioner.



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4. Though an opportunity was given to the respondents to file their counter-affidavit to substantiate that they have already initiated departmental action, the respondents have not complied with the directions. Hence, the statement made by the learned counsel for the petitioner that the respondents have not initiated departmental action against the petitioner, stands substantiated.

5. The only ground on which the petitioner was placed under suspension was that he was involved in a criminal case in Crime No.282 of 2020, which has culminated into C.C.No.4538 of 2021. Now that he has been acquitted from the criminal case, the suspension order itself cannot be continued and needs to be revoked.

6. Accordingly, the impugned order dated is revoked. Consequently, the respondent shall forthwith reinstate the petitioner back into service atleast within a period of two (2) days from the date of receipt of a copy of this order.



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M.S.RAMESH,J.

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7. With the above direction, the Writ Petition stands allowed. No costs.

30.10.2023

Index: Yes/No
Speaking order/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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To

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TANGEDCO, CEDC,
Chengalpattu – 603 002.
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