



W.P(MD)No.5807 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5807 of 2023

A.Chinnamayan

... Petitioner

Vs.

1.The Chairman,
Tamilnadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Anna Salai, Chennai – 600 002.

2.he Superintending Engineer,
Tamilnadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Theni, Theni District.

3.The Assistant Engineer,
Tamilnadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Chinnamanoor, Theni District.

4.The Inspector of Police,
Gudalur North Police Station,
Gudalur, Theni District.

5.Santhanam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the 1st to



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3rd respondents not allowing the 5th respondent retire from service in pending disposal of Crime No.72 of 2022 dated 08.03.2022.

For Petitioner : Mr.P.Muthuvijaya pandian

For Respondents : Mrs.M.Parameswari,
Standing Counsel for R1 to R3.
Mr.K.Balasubramani,
Spl. Government Pleader for R4.

ORDER

Heard the learned counsel writ petitioner, the learned standing counsel for the respondents 1 to 3 and the learned Special Government Pleader for the fourth respondent.

2.The fifth respondent is employed in TANGEDCO. He is said to be a foreman. The allegation of the petitioner is that the fifth respondent had indulged in job racketeering. In this regard, the petitioner had lodged a complaint and the same was registered as Crime No.72 of 2022 on the file of Gudalur North Police Station, Theni District. The fifth respondent was arrested. The petitioner states that the fifth respondent has not been suspended. That may not be true. Any person who is in custody for more than 48 hours is



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deemed to have been suspended. The petitioner's apprehension is that the when fifth respondent reaches the age of superannuation in the next year, he may be allowed to retire. Hence, this writ petition has been filed for forbearing the employer from allowing the fifth respondent to retire from service.

3.The final relief sought in the writ petition is in the form of interim relief. Such a prayer is not maintainable in view of the decision reported in ***AIR 1952 SC 12 (State of Orissa Vs. Madan Gopal Rungta).*** Be that as it may, I am certain that the employer / competent authority will take note of the averments made in the writ petition and take appropriate decision on merits and in accordance with law. Leaving the matter to the discretion of the employer, the writ petition is disposed of. No costs.

17.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Inspector of Police,
Gudalur North Police Station,
Gudalur, Theni District.



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G.R.SWAMINATHAN, J.

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