



W.P.(MD).No.16666 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16666 of 2023

M.Surliappan

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002.

2.The Chief Engineer (Personal),
Tamil Nadu Generation and Distribution
Corporation Limited, (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002.

3.The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni Electricity Distribution Circle,
Theni District, Theni.

4.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni Electricity Distribution Circle,
Theni District, Theni.



W.P.(MD).No.16666 of 2023

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5. The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Theni Electricity Distribution Circle,
Bodinayakkanur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records and quash the proceedings of the third respondent in Ku.A.07562/802/SE /Theni /NP1/ NU3/ Ko./2022, dated 23.12.2022 as being null and void and consequently seeking appropriate directions against the third respondent to reinstate the petitioner in service subject to the outcome of the criminal case pending against him in Cr.No.1/2021, Vigilance and Anti - Corruption, Theni with all attendant benefits.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.S.Parameswari
Standing Counsel

ORDER

The present writ petition is for a Writ of Certiorarified Mandamus, calling for records and quash the proceedings of the third respondent in Ku.A.07562/802/SE/Theni NP1/NU3/Ko./2022, dated 23.12.2022 as being null and void and consequently seeking appropriate directions against the third



W.P.(MD).No.16666 of 2023

respondent to reinstate the petitioner in service subject to the outcome of the criminal case pending against him in Cr.No.1/2021, Vigilance and Anti - Corruption, Theni with all attendant benefits.

2. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents and carefully perused the materials available on record.

3. The petitioner was appointed as Technical Assistant in the respondent Corporation and he was working as Assistant Engineer / Junior Engineer Grade-I at Bodi. While so, he was implicated in a criminal case in Crime No.1 of 2021 on the file of the Vigilance and Anti-Corruption, Theni under Section 7 of the Prevention of Corruption Act, 1988 upon a complaint by one Mahendran alleging that the petitioner had demanded illegal gratification.

4. Pursuant to the same, the petitioner was placed under suspension by the first respondent vide order, dated 06.09.2021. Thereafter, he made a representation on 30.06.2022 requesting to revoke his suspension on the basis of an undertaking that he will co-operate for early completion of proceedings.



W.P.(MD).No.16666 of 2023

Since his representation was not considered, he filed W.P(MD)No.29076 of 2022 before this Court to consider his representation. This Court was pleased to dispose of the said application on the basis of which the petitioner's representation was considered and rejected vide impugned order, dated 23.12.2022. Challenging the same, this writ petition came to be filed.

5. Subsequently, charge memo, dated 30.11.2022 has been issued and the petitioner is co-operating with the enquiry in the departmental proceedings. In view of clause 6 and 7 of the memorandum, dated 14.09.2022 issued by the Secretary of the Human Resource Management (N) Department, the disciplinary proceedings of the suspended employees should not be kept pending for a period of time.

6. The learned Standing Counsel for the respondents submitted that the petitioner may be remanded back to the second respondent for the purpose of considering the petitioner's representation and thereafter placed him in a non sensitive post on the basis of no objection which has to be given by the Directorate of Vigilance and Anti Corruption (DVAC).



W.P.(MD).No.16666 of 2023

WEB COPY

7. On the basis of the submission made by the learned Standing Counsel for the respondents, this Court is inclined to quash the impugned order thereby, remanding back the case before the second respondent and the second respondent is directed to consider the petitioner's representation, dated 30.06.2022 and petitioner's case for reinstatement in accordance with law within a period of ten (10) weeks from the date of receipt of a copy of this order.

8. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs.

01.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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W.P.(MD).No.16666 of 2023

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W.P.(MD).No.16666 of 2023

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.16666 of 2023

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