



W.P.(MD).No.21204 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 30.08.2023
CORAM**

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

**W.P(MD)No.21204 of 2023
and
W.M.P(MD)No.17610 of 2023**

M.Mohamed Upaish

... Petitioner

Vs.

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation & Distribution
Corporation Limited,
NPKRR Maaligai, 144 Anna Salai,
Chennai-600 002.
- 2.The Chief Engineer (Personal),
Tamil Nadu Generation & Distribution
Corporation Limited,
NPKRR Maaligai, 144 Anna Salai,
Chennai-600 002.
- 3.The Superintending Engineer,
Tamil Nadu Generation & Distribution
Corporation Limited,
Madurai Electricity Distribution Circle,
Madurai District.
- 4.The Executive Engineer,
Tamil Nadu Generation & Distribution
Corporation Limited,
Madurai Electricity Distribution Circle,
Madurai District.



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5. The Assistant Executive Engineer,
Tamil Nadu Generation & Distribution
Corporation Limited,
Madurai Electricity Distribution Circle,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records and quash the proceedings of the third respondent in Memo No. 644/SE/MEDC/MDU/ADO/ADMI/A-3/F.SUSPENSION/ 2021, dated 06.12.2021 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. 17/2021, Vigilance and Anti - Corruption, Madurai with all attendant benefits.

For Petitioner : Mr.T.Gnanamani

For Respondents : M/s.M.Parameshwari
Standing Counsel

ORDER

The present writ petition has been filed to call for the records and quash the proceedings of the third respondent in Memo No. 644/SE/MEDC/MDU/ADO/ADMI/A-3/F.SUSPENSION/ 2021, dated



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06.12.2021 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. 17/2021, Vigilance and Anti - Corruption, Madurai with all attendant benefits.

2. The petitioner was appointed as an Assistant Engineer on 12.07.2012 at North Chennai Thermal Stage II. Thereafter, he was transferred to Sattur in the post of Assistant Engineer. He was further transferred to Anupanadi on 14.09.2020 and thereafter, transferred to West Thirumangalam. While so, the petitioner was implicated in a criminal case in Crime No.17 of 2021 on the file of the Vigilance and Anti-Corruption, Madurai under Section 7 of the Prevention of Corruption Act, 1988 and the same culminated in registration of a criminal case, which is pending before the appropriate criminal Court. On that basis, the petitioner was placed under suspension by the order of the 3rd respondent on 06.12.2021. On 27.01.2023, the petitioner made a representation requesting to revoke his suspension. However, the same was not considered. Challenging the suspension order, this writ petition came to be filed.



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3. The disciplinary proceedings has also been initiated as against the petitioner for registration of the criminal case. However, it is brought to my attention that charge memo has also not been issued as against the petitioner so far even after a period of 2 years from the date of suspension. It is a settled proposition of law that the disciplinary proceedings of a suspended employee should not be kept pending for a prolonged period of time.

4. The learned Standing Counsel for the respondents submitted that the petitioner's case may be remanded back to the consideration of the 2nd respondent for the purpose of considering the representation of the petitioner and thereafter, he would be placed in non-sensitive post on the basis of no objection which has to be given by the Director of Vigilance and Anti-corruption.

5. In view of the submission made by the learned Standing Counsel for the respondents, this Court directs the 2nd respondent to revoke the suspension of the petitioner and thereafter, consider his representation and place him in a non-sensitive post in accordance with law. The said exercise shall be completed



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within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.
Consequently, connected Miscellaneous Petition is closed.

30.08.2023

NCC : No
Index : No
Internet : No

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To

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



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L.VICTORIA GOWRI, J.

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