



W.P.(MD).No.23183 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23183 of 2023

S.Gunasekaran

... Petitioner

Vs.

1.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
TANGEDCO,
No.144, Anna Salai,
N.P.K.R.R. Maligai,
Chennai-600 002.

2.The Superintending Engineer,
Madurai Electricity Distribution Circle,
TANGEDCO / TNEB,
K.Pudur,
Madurai-07.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to revoke the suspension of the petitioner and reinstate him in the post of Junior Engineer - 1st Grade in light of the guidelines issued under chapter - II, Section 2(3) of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations and G.O(Ms)No.81 (Human Resource



W.P.(MD).No.23183 of 2023

Management (N) Department), dated 04.08.2022 and G.O(Ms)No.40 (Personal and Administrative Reforms (N) Department), dated 30.01.1996.

For Petitioner : Mr.I.Pinaygash

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

ORDER

The present writ petition has been filed seeking direction to the second respondent to revoke the suspension of the petitioner and reinstate him in the post of Junior Engineer - 1st Grade in light of the guidelines issued under chapter - II, Section 2(3) of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations and G.O(Ms)No.81 (Human Resource Management (N) Department), dated 04.08.2022 and G.O(Ms)No.40 (Personal and Administrative Reforms (N) Department), dated 30.01.1996.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner joined as a Helper at Uthamapalayam with the respondent Corporation and thereafter, he was promoted to various posts. He is



W.P.(MD).No.23183 of 2023

currently serving as Junior Engineer Grade - I, Vikkiramangalam Section, Madurai Electricity Distribution Circle at Madurai. While so, a criminal case was registered against him in Crime No.01 of 2023, dated 24.03.2023 on the file of the Vigilance and Anti Corruption, Madurai. Pursuant to the said criminal case, on 01.04.2023, the second respondent suspended the petitioner from service and for the past 5 months, he is continuously kept under suspension. Thereafter, the petitioner did not conduct any departmental enquiry as well. Hence, on 30.08.2023, the petitioner sent a detailed representation to the respondents 1 and 2 requesting to revoke his suspension and reinstate him in the light of chapter - II Section 2(3) of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations. However, the same was not considered. Hence, this writ petition came to be filed.

4. When the matter came up for admission, the learned Standing Counsel for the respondents submitted that the final report has not been filed so far in the pending criminal case before the trial Court. As a result of which, the Department is not able to frame charges as against the petitioner. Until and unless, the final report is filed before the trial Court by the investigating officer, it may not be possible for the Corporation to frame charges and once the



W.P.(MD).No.23183 of 2023

charges are framed on the basis of NOC which could be obtained from the Director of Vigilance and Anti Corruption of the Corporation, the suspension could be revoked.

5. In view of the same, this Court hereby direct the first respondent to consider the representation made by the petitioner on 30.08.2023 and pass appropriate orders on the issuance of NOC from the Vigilance and Anti Corruption Department, Madurai and thereafter, revoke the suspension of the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. This writ petition stands disposed of, accordingly. There shall be no order as to costs.

22.09.2023

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



W.P.(MD).No.23183 of 2023

WEB COPY

- To
- 1.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
TANGEDCO,
No.144, Anna Salai,
N.P.K.R.R. Maligai,
Chennai-600 002.
 - 2.The Superintending Engineer,
Madurai Electricity Distribution Circle,
TANGEDCO / TNEB,
K.Pudur,
Madurai-07.



WEB COPY



W.P.(MD).No.23183 of 2023

L.VICTORIA GOWRI, J.

BTR

W.P.(MD).No.23183 of 2023

22.09.2023