



WEB COPY



W.P.No. 5790 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.5790 of 2024
and
W.M.P.Nos.6421 & 6423 of 2024**

S.Senthil Kumar

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Petitioner

Vs

1. The Chairman and Managing Director,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.

2. The Executive Engineer,
Distribution/Palladam,
Tiruppur Electricity Distribution Circle,
TANGEDCO,
Palladam, Tiruppur District.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent in connection with the orders passed by him in his proceedings KU.A.SE.PO/PAL/NI.PI.U2/KO KAMUKKAM/49/14 dated 27.06.2014 and KU.A.SE.PO/PAL/NI.PI.U2/KO KAMUKKAM/112/15 dated 18.09.2015 and quash the same and direct



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the respondents to reinstate the petitioner in service with all service and monetary benefits including the subsistence allowance.

For Petitioner : Mr.S.Selva Thirumurugan

For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order of suspension dated 27.06.2014, thereby suspended the petitioner from service.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as Assessor Grade-II by an order dated 18.09.2009. While he was working as Assessor, he was served with a memo dated 24.06.2014 alleging that the electricity consumption charges collected from the customers were not deposited by the petitioner into the bank. He also fabricated the documents showing as if the said amount was remitted to the bank, thereby the petitioner misappropriated money to the tune of Rs.3,53,503/- Based on the charges, the petitioner was placed under



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suspension by an order dated 27.06.2014 passed by the second respondent.

Pursuant to the same, a criminal case was registered in Crime No.45 of 2014 for the offences under Sections 409, 468, 471 and 477A of IPC. The petitioner was granted anticipatory bail in Crl.O.P.No.1129 of 2015, dated 24.06.2015, on condition that the petitioner shall deposit a sum of Rs.3,00,000/-. The said condition was duly complied with by the petitioner. Thereafter, the petitioner was issued with a charge memo on 29.06.2015 and the enquiry was completed by the Enquiry Officer, who submitted the report on 15.09.2003. The same was served to the petitioner and the petitioner also submitted his explanation on 27.08.2016. So far no final order has been passed till today. In the meanwhile, the petitioner also filed a writ petition before this Court in W.P.No.19848 of 2020 seeking a direction to pay subsistence allowance.

4. Admittedly, the petitioner was not paid any subsistence allowance from the date of his suspension. However, this Court, by an order dated 05.01.2024, directed the petitioner to submit a representation to revoke the order of suspension and the same shall be considered within a



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period of four weeks from the date of receipt of a copy of that order. So far, no order has been passed on the representation submitted by the petitioner for revocation of the suspension order. In the criminal case, after filing the final report, it has been taken cognizance in C.C.No.137 of 2015 on the file of the Judicial Magistrate No.II, Tiruppur and it is pending for trial. Now, the enquiry has been completed and the petitioner also submitted his explanation. At this stage, the order of suspension cannot be revoked.

5. The learned counsel for the petitioner would submit that the petitioner failed to produce any certificate for his non-employment as contemplated under Rule 56 of the Tamil Nadu Electricity Board Service Regulations.

6. In view of the above, the second respondent is directed to pay the subsistence allowance to the petitioner along with arrears forthwith. The first respondent is directed to pass final orders on the enquiry report in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition stands disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

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Index: Yes/No
Speaking Order: Yes
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To

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G.K.ILANTHIRAIYAN, J.

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