



WA No.3115 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM:

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WA No.3115 of 2024

E.Sasikumar

... Appellant

versus

- 1.The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation
Limited,
Manjakkupam,
Cuddalore,
Cuddalore District.
- 2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation
Limited,
Office of the Superintending Engineer,
Cuddalore Electricity Distribution Circle,
Capper Hills/Cuddalore-4.
- 3.The Inspector of Police,
Vigilance and Anti-Corruption Department,
Cuddalore,

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Cuddalore District.

...Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge in WP No.16619 of 2023 dated 25.03.2024.

For the Appellant :Mr.R.Naresh Kumar

For the Respondents :Mr.P.Subramanian
Standing Counsel
for TNEB
for respondents 1 and 2

Mr.R.Muniyapparaj
Additional Public Prosecutor
for third respondent.

JUDGMENT

(Delivered by *D. KRISHNAKUMAR, J.*)

This Writ Appeal is filed against the order of the learned Single Judge in WP No.16619 of 2023 dated 25.03.2024.

2. By consent of parties, this writ appeal is taken up for final disposal.

3. Learned Standing Counsel for the respondent Board stated before this Court that the appellant was placed under suspension based on the



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charges leveled as against the appellant under Section 7 of the Prevention of Corruption Act, 2018, in Crime No.1 of 2023 dated 04.01.2023. Further, charges have also been framed against the appellant under Rule 17 (b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules.

4. Learned counsel for the appellant submits that the appellant is placed under prolonged suspension and therefore, he made a representation dated 10.05.2023 to the authority concerned for revocation of suspension and the same is pending till date.

5. At this juncture, we make it clear that we are not going into the merits of the case. We are only considering G.O.(Ms).No.81, Human Resources Management (N) Department dated 04.08.2022. The relevant portion of the said Government Order is extracted hereunder:

10.Further, the inordinate delay in completion of departmental proceedings on the part of the Department concerned has attracted adverse comments from the Hon'ble High Court of Madras in Writ Appeal No.646 of 2021. In the said Writ Appeal, the Hon'ble High Court of Madras in its judgment dated 15.09.2021 fifth



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read above has directed the Government to take appropriate action in prescribing outer time within which each and every stage of the departmental proceeding has to be crossed.

11. The Government, after careful examination, reiterates the guidelines issued in the Government Order second read above with slight modification as follows:

i) The power of ordering suspension should be exercised carefully and with restraint. Before a suspension order is issued, the authority concerned must be clear in mind that it is necessary. Prolonged suspension means that Government pays a Government Servant without extracting any work from him. In view of the above position, the suspension should not be resorted to unless the concerned authority has considered all the relevant factors and recorded his reasoned conclusion that it is in the public interest to place the Government Servant under suspension.

ii) Where a Government Servant has been suspended on disciplinary proceedings contemplated, such proceedings should be initiated immediately and finalized normally within a period of six months.

iii) In cases, where a Government Servant has been suspended and the matter has been referred for investigation to the Director of Vigilance and Anti Corruption for enquiry, the latter should complete the enquiry and send the report to Government through the Vigilance Commission within one year."



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6. In view of the aforesaid Government Order, this Court is inclined to pass orders as follows:

i) The appellant shall make a fresh representation to the Board, within a period of two weeks from the date of receipt of a copy of this order for revocation of suspension order and it is for the Board to consider and pass appropriate orders on the said representation in accordance with law.

ii) It is needless to say that the disciplinary proceedings pending against the appellant shall be proceeded with in accordance with law and the same shall be concluded at the earliest. The appellant shall also co-operate for the aforesaid enquiry.

7. With the above directions, the writ petition stands disposed of. There shall be no order as to costs.

(D.K.K., J.) (P.B.B., J.)
25.10.2024

Index : Yes/No
Neutral Citation : Yes/No



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and
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(mrn)

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