



W.P.(MD).No.12254 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12254 of 2024

and

W.M.P.(MD).No.10867 of 2024

A.S.Thiruvavarulajan

... Petitioner

Vs.

- 1.The Chairman Cum Managing Director,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, (TANGEDCO)
No.144, Anna Salai, N.P.K.R.R. Maaligai,
Chennai – 600 002.
- 2.The Chief Engineer,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, (TANGEDCO),
Tirunelveli Region,
Tirunelveli.
- 3.The Superintending Engineer,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, (TANGEDCO),
Virudhunagar Distribution Circle,
Virudhunagar.
- 4.The Executive Engineer,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, (TANGEDCO),
Rajapalayam,
Virudhunagar District.



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5.The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, (TANGEDCO),
Alangulam – 626 127,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned suspension order in Memo.No. 05244/338/ADO/ADM.IV/A.1/2024 dated 13.05.2024 passed by the third respondent and the consequential impugned relieving order passed by the fifth respondent made in Memo.No.AEE/O&M/ALGM/CI/F.Doc/D.No.19/2024-25 dated 15.05.2024 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner in service with all consequential benefits and arrears of salary and allowances, and to treat the period of suspension as on duty, pending disciplinary proceedings, if any, to be conducted in accordance with the principles of natural justice and applicable Service Rules.

For Petitioner : M/s.P.Kalaiyarasi Bharathi

For Respondents : Mr.S.Arivalagan
Standing Counsel



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ORDER

Heard M/s.P.Kalaiyarasi Bharathi, learned counsel for the petitioner and Mr.S.Arivalagan, learned Standing Counsel for the respondents.

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

3. The petitioner who was placed under suspension, in view of the impugned order dated 13.05.2024, has filed this Writ Petition challenging the same and also the consequential impugned relieving order dated 15.05.2024, with a consequential direction to the respondents to reinstate the petitioner in service with all consequential benefits and arrears of salary and allowances, and to treat the period of suspension as on duty, pending disciplinary proceedings, if any, to be conducted in accordance with the principles of natural justice and applicable Service Rules.

4. M/s.P.Kalaiyarasi Bharathi, learned counsel for the petitioner submitted that the petitioner was earlier given with the punishment of



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stoppage of increment for three years without cumulative effect.

The petitioner challenged the same by way of filing a Writ Petition in W.P.(MD).No.6141 of 2024 and the same is pending. In the meanwhile, the petitioner was placed under suspension. Hence, the action of the respondents is only vindictive in nature.

5. However, Mr.S.Arivalagan, learned Standing Counsel for the respondents submitted that the consequent to the suspension order, the petitioner has also been given with the show cause notice in which the reasons for suspension has been stated. Therefore, the petitioner instead of giving his explanation defending the action initiated by the respondents has come out with this Writ Petition in a pre-matured manner.

6. Unless, the petitioner receives the show cause notice and comes to know about the reason for which he has been given with the show cause and the reasons for suspension as well, he cannot come to the pre-conclusion that the proceedings are vindictive in nature. Since the petitioner has rushed to the Court in a pre-matured manner and the petitioner was given with the show cause notice only subsequently and in view of the fact that the disciplinary proceedings, which have been



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initiated is in the nascent stage, it is appropriate for the petitioner to participate in the proceedings by submitting his explanation. In the event of the petitioner submitting his explanation and extending his co-operation, the respondents shall complete the disciplinary proceedings within a period of three months from the date of receipt of a copy of this order. The petitioner is also at liberty to give a representation to the respondents to consider the revocation of suspension and if the respondents deem it fit to revoke the suspension, the order can be passed for revocation of suspension.

7. With the above observations, this Writ Petition is **disposed of**.

No costs. Consequently, connected miscellaneous petition is closed.

11.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

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