



W.P.(MD).No.25662 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25662 of 2024

and

W.M.P(MD) Nos.21768 and 21770 of 2024

D.James Irudayaraj

... Petitioner

Vs.

1. The Station Director,
Koodankulam Nuclear Power Project,
Nuclear Power Corporation of India Limited,
Koodankulam Post,
Radhapuram Taluk,
Tirunelveli District.

2. State Represented by,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.07/2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned suspension order in No.NPCIL/KKNPP/ HR/ DC/ 2024/S/395, dated 12.01.2024 on the file of the first respondent and consequent impugned proceedings in No.NPCIL/KKNPP/HR-DC/2024/S/34, dated 25.09.2024 on the file of the first respondent and quash the same.



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For Petitioner : Mr.K.Jeyamohan
For R2 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present Writ Petition has been filed by a Scientific Assistant working in the first respondent Corporation, challenging the order of suspension dated 12.01.2024 and the consequential impugned order passed by the first respondent on 25.09.2024.

2. A perusal of the records indicates that the petitioner and his brother were implicated in a criminal case in FIR No.7 of 2024 on the file of the Koodankulam Police Station, Tirunelveli District, on 06.01.2024. It could be seen from the allegations in the FIR that there was some private dispute between the petitioner's brother and their neighbour. Citing the fact that the petitioner was in judicial custody for more than 48 hours, the petitioner was placed under suspension, under the impugned order dated 12.01.2024. Thereafter, the petitioner has made several representations for revocation of suspension. Since they were not considered, the petitioner has filed W.P(MD)



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No.13506 of 2024 to revoke the order of suspension. This Court, by an order dated 25.06.2024, had directed the first respondent to consider the representation and pass orders on merits and in accordance with law.

3. In compliance of the orders of this Court, the consequential impugned order has been passed on 25.09.2024, wherein the petitioner has been directed to produce three documents.

4. According to the learned counsel appearing for the writ petitioner, charge sheet has not yet been filed in the above said criminal case and the criminal case is still pending.

5. Relying upon the Service Regulations applicable to the first respondent Corporation, the petitioner contends that as per Clause 6.9 of the Service Regulations, the order of suspension is valid only for a period of 90 days and it has to be extended before the expiry of said 90 days.

6. In the present case, considering the fact that the criminal case has nothing to do with the discharge of the official duties, it is the contention of



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the learned counsel appearing for the writ petitioner that the authorities ought to have reviewed the order of suspension.

7. Considering the fact that, so far, charge sheet has not been laid and the trial is likely to take a longer time, the respondent authorities are directed to consider the request of the writ petitioner for revocation of order of suspension, in the light of Clause 6.9 of the Service Regulations and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

28.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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