



W.P.(MD) No.8162 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.8162 of 2026

S.Ayyappan

... Petitioner

-VS-

The Superintending Engineer
O/o.The Superintending Engineer
TANGEDCO / TNEB
Thoothukudi Electricity Distribution Circle
Thoothukudi District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to revoke the suspension order Memo in Ku.No.S.D.1155/278/UNia/Nipi3/ni.o.1/Ko/13 dated 26.04.2013 passed by the respondent and reinstate the petitioner in any non-sensitive post for the post of Inspector of Assessment in light of the guidelines issued under chapter-II, Section 2(3) of Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations and based on the G.O.Ms.No.81 (Human Resources Development) dated 04.08.2022 by considering the petitioner's representation dated 10.11.2025 within the time stipulated by this Court.



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For Petitioner : Mr.I.Pinaygash
For Respondent : Mr.S.Arivalagan
Standing Counsel

ORDER

Mr.S.Arivalagan, learned Standing Counsel, takes notice for the respondent / Electricity Board.

2. With the consent of both sides, this writ petition is disposed of at the admission stage.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent / Electricity Board.

4. This writ petition has been filed seeking a writ of mandamus directing the respondent / Electricity Board to revoke the suspension of the petitioner imposed vide memo bearing Ku.No.S.D.1155/278/UNia/Nipi3/ni.o. 1/Ko/13 dated 26.04.2013.



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5. Learned counsel for the petitioner contended that the petitioner was placed under suspension as early as on 26.04.2013. In terms of the Tamil Nadu Electricity Board Employees Discipline and Appeal Regulations, more specifically Regulation 2(3), there is an obligation on the respondent / Electricity Board to review the suspension periodically. Despite this mandatory provision contained in the aforementioned regulations, the respondent / Electricity Board has not taken any steps so far.

6. On the other hand, learned Standing Counsel appearing for the respondent / Electricity Board submits that this is a case involving vigilance and anti-corruption and therefore, it is obligatory for the respondent / Electricity Board to refer the matter to the Director of Vigilance and Anti-Corruption before reviewing the suspension and deciding on the reinstatement of the petitioner. He further submits that in case the Director of Vigilance and Anti-corruption has no objection for reinstating the petitioner, the respondent / Electricity Board is ready to reinstate the petitioner into service.

7. Heard both sides and perused the entire materials on record.



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8. Sub-regulation (3) of regulation 2 of the Board Regulations reads as follows:-

“3.All cases of suspension beyond the period of four months should be reviewed periodically either by the C.E, or Chairman or by the S.E, as case may be. In cases where, the suspension is not justified for valid reasons, the appropriate authority can revoke the suspension. In cases involving corruption, if the matter has been referred to Director of Vigilance and Anti Corruption, the suspension may be revoked after consulting the Director of Vigilance and Anti Corruption not only as a measure to avoid hardship to the Board employee concerned, but also to reduce additional expenditure to Board. The competent authorities should make a review of all such cases and examine whether the suspension could not be revoked pending the disciplinary proceedings, in the light of the criteria laid down in the matter of suspension.”

9. From the perusal of the above, it is evident that there is an obligation on the respondent / Electricity Board to review the suspension periodically. While the officials of the respondent / Electricity Board are



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required to review the suspension, in this case, it has admittedly not been done.

10. Further, learned counsel for the petitioner placed reliance on the decision of the Honourable Supreme Court of India in **Civil Appeal No. 10856 of 2016**, in the case of **Bhupinder Singh V. Unitech Ltd., & others**, dated **23.01.2025**. The relevant paragraph is extracted hereunder:-

“12. There can hardly be any dispute that on expiry of six months period of suspension, ordinarily a Government official would become entitled to subsistence allowance at the rate of 75% of the pay, save and except when such subsistence allowance has to be denied for some valid reasons. We, thus, proceed on a premise that most of the suspended officers/officials are not receiving 75% pay without having to perform any work. Additionally, considering charge sheets have been issued very recently in October, 2024, we can safely infer that the conclusion of the departmental proceedings will take some reasonable time. Similarly, the criminal proceedings pending against the suspended officials, are also not likely to reach to a logical conclusion within a short time.”



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11. In the light of the above and taking into consideration the submissions made by Mr.S.Arivalagan, learned Standing Counsel, appearing for the respondent / Electricity Board, the writ petition is disposed of with a direction to the respondent / Electricity Board to review suspension order dated 26.04.2013, placing the petitioner under suspension, in accordance with sub-regulation (3) of Regulation 2, and to pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of six weeks from date of receipt of a copy of this order. No costs.

26.03.2026

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

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