



WP(MD). No.6343 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11/03/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

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Palaraman

... Petitioner

Vs.

1. The Chairman Cum Managing Director,
Tamil Nadu General and
Distribution Corporation Limited (TANGEDCO),
Secretariat Branch,
N.P.K. R.R.Maligai,
144, Anna Salai, Chennai - 60.

2. The Chief Engineer / Distribution,
Tamil Nadu General and
Distribution Corporation Limited
(TANGEDCO), Maharaja Nagar,
Tirunelveli Region,
Tirunelveli District..

3. The Superintending Engineer,
Tamil Nadu General and Distribution
Corporation Limited (TANGEDCO),
Virudhunagar Electricity Distribution
Circle, Virudhunagar District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to

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call for the records pertaining to the impugned order passed by the 2nd Respondent office vide proceedings in Memo No.012897/874/Adm/C. 1/F.DP/2024, dated 04.12.2024 and consequent impugned order passed by the 3rd Respondent vide proceedings Memo No.012897/874/SE/VDR/Adm.1/A.1/F.C/2025 dated 30.01.2025 and quash the same are illegal in so far as not treating the suspension period between 20.10.2010 and 31.05.2015 as duty period and consequently direct the Respondents to pay all the service benefits and attended benefits along with interest within a stipulated period.

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.S.Arivazhagan
Standing Counsel

ORDER

The petitioner herein while working as the Assistant Executive Engineer in the respondent Board was placed under suspension vide order dated 20.10.2010 on the ground that he was involved in an offence punishable under Sections 7, 13(2) r/w 13(1) of Prevention of Corruption Act and under Section 19(1)(c) of Prevention of Corruption Act 1988.

2. The Petitioner approached this Court by filing WP(MD) No. 4379 of 2012. This Court, by an order dated 04.04.2012, directed the respondents to consider the representation submitted by the petitioner



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seeking revocation of suspension. However, the respondent Board thought it fit to continue the petitioner under suspension and issued a memo dated 31.05.2012. It was thereafter the petitioner attained the age of superannuation on 31.5.2015. But he was not permitted to retire from service as the criminal proceedings were pending and he was also placed under the suspension contemplating to initiate departmental proceedings. The said criminal proceedings initiated against the petitioner in Spl.S.C. No. 56 of 2014 on the file of the learned Chief Judicial Magistrate cum Special Judge, Srivillputhur ended in acquittal on 30/6/2022. Consequently, the said judgment become final and the respondent Board has decided not to file any appeal thereon.

3. It was thereafter the suspension that was imposed by order dated 20.10.2010 was revoked through the proceedings dated 14.06.2023 and the petitioner was allowed to retire from service on the date on which he attained the age of superannuation, that is 31.05.2015. The respondent Board issued the impugned proceedings dated 04.12.2024 holding that the petitioner is entitled for pay and allowances on regularising his service during which period he was out of service, that is from the date of

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suspension till the date of superannuation under Regulation 57, 57-A, 57-

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B, 57(1) of TNEB service regulations. Through in the said proceedings, it was further directed that the said period that is from 20.10.2010 till 31.05.2015 is directed to be regularized and treated as a leave on any kind due admissible to the petitioner and exceeding period of suspension shall be converted into extraordinary leave without pay in terms of Regulation 57 of TNEB service Regulations. Consequently, the third respondent issued a memo No.012897/874/SE/VDR/Adm.1/A. 1/F.C/2025-1 dated 30.01.2025 treating the period of suspension as Earned leave., Unearned Leave EOL on private affairs and EOL without pay and allowances for different periods. Aggrieved by the said proceedings dated 04.12.2024 and the consequential proceeding dated 30.01.2025, the petitioner approached this Court by filling the present writ petition.

4. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.



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5. The learned counsel for the petitioner mainly contended that the petitioner herein was placed under suspension because of his involvement in a criminal case under Prevention of Corruption Act. The said suspension continued till the date on which he attained the age of superannuation on 31.01.2015. Originally, he was not permitted to retire from service till the date on which the petitioner was acquitted in the above referred criminal case that is on 30.06.2022. It is only after the petitioner was acquitted in the criminal case, the suspension was revoked and he was allowed to retire from service with effect from 31.05.2025.

6. The learned counsel for the petitioner placed strong reliance on the Ruling 9 of Regulation 57(A) of the TNEB Regulations and contended that by virtue of his acquittal in the criminal case, he is entitled for full pay and allowances, which he would have been entitled had he not been placed under suspension for the period from 20.10.2010 to 31.05.2015. He also placed reliance on the judgment of the Hon'ble Division Bench of this court in **W.A.No.1434 of 2018 dated 13.07.2018**. According to the learned counsel for the petitioner, the case of the



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petitioner is squarely covered by the above decision of the Hon'ble Division Bench of this Court.

7. On the other hand, the learned Standing Counsel appearing for the respondent Board contended that Ruling 9 of Regulation 57 (A) is not applicable to the case on hand as there is no reinstatement as contemplated under the said Ruling. In the instant case, the petitioner has already attained the age of superannuation much prior to the date of his acquittal in criminal case. He further contended that TNEB Regulation relied on by the petitioner is not applicable as he is Grade II Officer and the said regulations would apply only to the Workmen working under the respondent Board. The learned standing counsel also contended that the decision relied upon by the learned counsel for the petitioner has no application to the case on hand as that is a case where the employee was reinstated into service and then direction was issued to extend all the benefits. He further contended that the principle of "no work, no pay" would apply as held by the Hon'ble Apex court in catena of decisions.

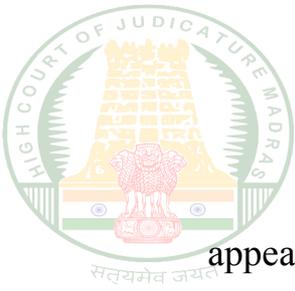


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8. I have given my anxious consideration to the submissions made

on either side and carefully perused the materials available on record.

9. There is no dispute on factual aspects. The petitioner herein was placed under suspension on 20.10.2010 because of his involvement in a criminal case under Prevention of Corruption Act, 1988. It is also an admitted fact that the petitioner was acquitted in the criminal case. It is also an admitted fact that the respondent Board has taken a conscious decision not to take any departmental action against the petitioner though initially the same was proposed, the same was subsequently dropped after the acquittal of the petitioner in the criminal case. The order of suspension dated 20.10.2010 was admittedly revoked through proceedings dated 14.06.2023 and the petitioner was allowed to retire from service with effect from 31.05.2015. Once the suspension order is revoked that amounts deemed reinstatement and then permitting him to retire from service. If the reinstatement is not read into the said order, the respondent Board permitting the petitioner to retire from service with effect from 31.5.2015 by passing an order on 14.06.2023 does not arise. Therefore, the contention raised by the learned Standing Counsel



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appearing for the respondents on the ground that there is no reinstatement involved in the case on hand and thereby seeking to exclude the application of Ruling 9 of Regulation 57 (A) cannot be accepted.

10. Ruling 9 of Regulation 57-A reads as under:

"Where a Board employee is -(a) Placed under suspension in view of the fact that a complaint against him of any criminal offence is under investigation or trial, or (b) dismissed or removed from service or compulsorily retired on the ground of conduct which has led to his conviction on a criminal charge and the Board employee is subsequently reinstated in service on his acquittal by the Court either on merits or on the ground that the charge has not been proved against him or by giving benefit of doubt or on any other technical ground or on the ground that he has been pardoned by the Court as he turned approver based on his judicial confession, he must be regarded as having been prevented from discharging his duties and the period of his absence including the period of suspension shall be treated as duty for all purposes and he shall be paid full pay and allowances which he would have been entitled to, had he not been under suspension, or dismissed or removed or compulsorily retired from service".



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11. From a perusal of the above Ruling, it is evident that the same would apply only to the cases, where suspension is because of involvement of an employee in a criminal case and in case if an employee was acquitted in the criminal case, the above Ruling would make the said employee entitled to be treated as though he continued in service and also entitled him to draw all pay and allowances for which he would have been otherwise entitled to had he not been placed under suspension.

12. From the above, it is clear that the said ruling in unequivocal terms makes it clear that in case, if suspension is revoked and the employee is reinstated into service consequent upon his acquittal and the suspension is only because of involvement of the employee in the criminal case, he is entitled for all pay and allowances as though the said employee continued in service.

13. Therefore, in the considered opinion of this Court, the said Ruling directly has application to the case on hand. Regulations 57 and 57(A) of TNEB Regulations would deal with the situations where an employee is placed under suspension and there is no other ruling or rule



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brought to the notice of this court which is applicable to the fact situation of the case on hand.

14. As rightly pointed out by the learned counsel for the petitioner, the Hon'ble Division Bench of this Court has dealt with very same fact situation and considered the scope and effect of Ruling 9 of Regulation 57(A) of TNEB Regulations and arrived at a conclusion. The relevant portion of the judgment in paragraph Nos.17 to 19 extracted herein under:

"17.Though the respondent has been acquitted on benefit 10.02.2016, in Special Case No.14 of 2006, on the file of the learned Special Judge and Chief Judicial Magistrate, Thiruvallur, no departmental Proceedings have been initiated, Having ordered promotion by implementing the directions of the Writ Court, at this stage, it is not open to contend that, the department, had the rights to proceed departmentally, against the respondent, though acquitted on the benefit of doubt. Contentions on the merits of the criminal case, for disallowing monitory benefits cannot be accepted, in the ruling No. 9, r/w Rule 57 (B) of TNEB Service Regulations, applicable to the case of the respondent.

18. As rightly pointed out by Mr.V.Ajay Khose, learned counsel for the respondent, now the point to be considered by the appellants is, as to how the period of suspension between 28.01.2003



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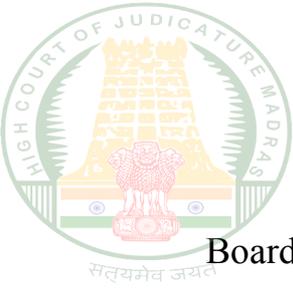
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to 11.04.2006, has to be regulated, as stated supra, the appellants have complied with the order dated 01.06.2017, made in W.P.No. 11304 of 2018, except the above, when ruling No.9, r/w Rule 57(B) of TNEB Service Regulations, is applicable to the case of the respondent, direction issued by the Writ Court, to take note of the same, while considering the representation of the petitioner, cannot be said to be manifestly illegal, warranting interference. Order made in W. P.No.11304 of 2017 dated 01.06.2017, is sustained. Appellants are directed to pass order on the aspect of pay and allowance, within a period of four weeks from the date of receipt of a copy of this order.

19. With the above directions instant writ appeal is disposed of. No costs"

15. Coming to the next contention of the learned Standing Counsel for the respondents that the Ruling 9 of TNEB Regulation 57(A) is not applicable to treat the suspension period as the leave is concerned, the very same Regulation is mentioned in the impugned order. Therefore, having placed reliance on the very same Regulations while passing the impugned order, now it is not open for the respondents to contend that the very same regulations, namely, Regulation 57(A), has no application to the case of the petitioner and on whatsoever ground. The another contention raised by the learned Standing Counsel that the respondent

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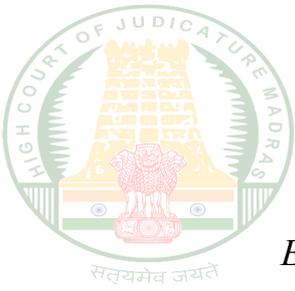
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Board has paid substantial amount of Rs.21,00,000/- till the date of revocation of suspension is concerned, the same may be true, but it is on its own volition, the respondent Board has chosen to pay the said subsistence allowance by continuing the petitioner under suspension till the same was revoked in the year 2023.

16. No doubt, whatever the subsistence allowance that was paid from 20.10.2010 to 31.05.2015, that is, till the date on which the petitioner was permitted to retire, can be adjusted against the amounts that would be payable to the petitioner towards pay and allowances for the period of suspension.

17. A perusal of the impugned proceedings dated 04.12.2024 would also make it clear that the petitioner is entitled for pay and allowances on regularising his service since he was acquitted from all criminal charges. The relevant paragraph from the said proceedings reads as under:

"5) As per 57, 57-A or 57-B, 57 (1) of TNEB service regulations, Thiru. S.Palaraman then, Assistant Executive



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Engineer/ Distribution/Srivilliputhur (Not Permitted to retire on attaining the age of his superannuation on 31.05.2015 A.N, later permitted to Retire from Board's Service) is entitled for the pay and allowances on regularizing his service, since he was acquitted from all the criminal charges and another Departmental action initiated by the Sectt.Br was also reached its finality".

18. The respondent Board having arrived at the above conclusion erroneously directed for regularising the period of suspension under Regulation 57 of the TNEB Service Regulations, though the same has no application. Consequent upon the said direction issued under proceedings dated 04.12.2024, the third respondent has mechanically issued the consequential proceedings in a Memo dated 31.02.2025 treating the period of suspension as Earned leave, Earned leave on private affairs and EOL.

19. In the light of the above, this Court is of the considered view that the case of the petitioner squarely falls under Ruling 9 of Regulation 57(A). The period of suspension is bound to be treated as duty in terms



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of the said ruling and petitioner is entitled for all pay and allowances for the entire period of suspension. Accordingly, the impugned orders are set aside. This writ petition is allowed directing the respondents to treat the entire period of suspension from 20.10.2010 till 31.05.2015 as duty period and pay all pay and allowances as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this order adjusting the amount of subsistence allowance that was paid during the said period that is from 20.10.2010 to 31.05.2015. No costs.

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MUMMINENI SUDHEER KUMAR,J

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