

TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED  
(ABSTRACT)

Limitation fixed on the period of suspension – Order of the Hon'ble Supreme Court of India – Implementation in TANGEDCO – Orders – Issued.

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(SECRETARIAT BRANCH)

(Per) CMD TANGEDCO Proceedings No.90

Dated the 25<sup>th</sup> May, 2016.

READ:

1. Memo.(Per) No.1938/A18/A181/2010-1 (SB), dated 24.02.2010.
2. Memo.(Per) No.13108/A18/A181/2010-1 (SB), dated 28.12.2010.
3. Memo.(Per) No.10207/A18/A181/2012-1 (SB), dated 03.09.2012.
4. From the Government/P&AR (N) Department, Letter No.13519/N/2015-1, dated 23.07.2015.

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PROCEEDINGS:

In the Memorandum first read above, certain instructions were issued to all the Competent Authorities in connection with review of suspension cases. Among other things, it was ordered that if the period of suspension of an employee exceeds five years and the criminal proceeding are not yet finalized, then, such case may be considered for revocation of suspension, after following the due process, subject to the outcome of the order of the Criminal Court.

2. In the Memorandum second read above, certain additional guidelines were issued, wherein among other things, it was ordered that the cases of "Trap and Arrest by the DV&AC" in respect of Class-II and below category employees need not be reviewed at the Circle Level in Quarterly Review Meetings until final recommendations/findings of Directorate of Vigilance and Anti-corruption were received. It was also ordered that the suspension in respect of other cases, which has been made based on the recommendations of the DV&AC may be examined/reviewed on the merits of each and every one of such cases after the completion of DV&AC inquiry and also based on their recommendations/findings.

3. The Hon'ble Supreme Court of India, in its order dated 16.02.2015 in S.L.P.(C) No.31761/2013 has directed that (i) the currency of a suspension order should not extend beyond three months if within this period the Memorandum of Charges/Charge Sheet is not served on the delinquent officer/employee; and (ii) if the Memorandum of Charges/Charge sheet is served, a reasoned order must be passed for the extension of suspension. Citing the said order, the Government of Tamil Nadu, in its letter fourth read above, have requested all the Heads of Departments to follow the said directions on the limitations in the period of suspension. The said issue has been examined in detail and it has been decided to follow the same in TANGEDCO.

4. Accordingly, the following guidelines are issued to all the Competent Authorities:-

- (i) The currency of a suspension order in respect of DV&AC cases should not extend beyond three months if within this period the Memorandum of Charges/Charge Sheet is not served on the delinquent officer/employee;

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- (ii) If the Memorandum of Charges/Charge sheet is served, a reasoned order must be passed for the extension of suspension.
- (iii) Immediate action should be taken to revoke the suspension in respect of cases satisfying condition (i) above. Pendency of court cases filed by the delinquents for revocation of their suspension, shall not be a bar for considering the revocation of suspension.
- (iv) The posts which are non-sensitive in nature, may be identified in each cadre for the purpose of posting the employees concerned after revocation of suspension.
- (v) The instructions issued in Memo.(Per) No.10207/A18/A181/2012-1, dt.03.09.2012 stand cancelled.

(BY ORDER OF THE CHAIRMAN-CUM-MANAGING DIRECTOR)

R.BALAJI,  
SECRETARY.

To

All Chief Engineers.  
All Chief Financial Controllers.  
The Chief Internal Audit Officer/Audit Branch.  
All Superintending Engineers.

Copy to:

The Chairman-cum-Managing Director's Table.  
The Managing Director/TANTRANSCO.  
All Directors/TANGEDCO and TANTRANSCO.  
The Director General of Police/Vigilance/Chennai-2.  
The Legal Adviser/TANGEDCO /Chennai-2.  
All Deputy Secretaries/Seretariat Branch/Chennai-2.  
All Under Secretaries/Seretariat Branch/Chennai-2.  
The Chief Medical Officer/TANGEDCO Headquarters Dispensary/Chennai-2.  
The Asst.Personnel Officer/Tamil Dev. – for publication in the Bulletin (2 copies).  
The Assistant Personnel Officer/Headquarters/Adm.Branch (5 copies).  
All Unit Personnel Officers/Headquarters (5 copies).  
All Sections in Seretariat Branch/Chennai.