

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.16661 of 2015 and
M.P.No.1 of 2015

S.Sekar

...Petitioner

vs.

The Commissioner of Social Welfare,
Chennai.

...Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified Mandamus, calling for the records relating to the proceedings of respondent made in Proc.No.18232/Ad 5(1)/2012 dated 21.04.2015 and quash the same and consequently, direct the respondent to grant notional promotion and settle terminal benefits to the petitioner.

For Petitioner : Mr.K.Govindarajan

For Respondent : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondent.

2.The petitioner was to retire from service on 30.04.2015 on reaching the age of superannuation. Since, a criminal case in C.C.No.389/2005 is pending before the learned Judicial Magistrate IV, Trichy, under Sections 381 and 467 I.P.C., the impugned order dated 21.04.2015, was passed, not permitting the petitioner to retire from service and on the same day, another order was passed placing the petitioner under suspension, on the very same ground. Thereafter, the learned Judicial Magistrate No.4, passed an order dated 23.04.2015 in C.C.No.389/2005 acquitting the petitioner from the charges framed against him.

3.In view of the same, the petitioner has filed this writ petition to quash the aforesaid proceedings dated 21.04.2015.

4.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

5.Taking into account the aforesaid facts, I am inclined to quash the impugned orders dated 21.04.2015, as the Criminal Court gave a verdict in favour of the petitioner.

6.The writ petition is allowed and the impugned proceedings dated 21.04.2015 are quashed and the respondent is directed to grant notional promotion to the petitioner, if, the same was denied due to pendency of the criminal case and also to settle terminal benefits to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To
The Commissioner of Social Welfare,
Chennai.

+1cc to Mr.K.Govindarajan, Advocate, S.R.No.28882

+1cc to the Government Pleader, S.R.No.29013

VSN(CO)
EU(24/06/2015)

W.P.No.16661 of 2015

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