

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27748 of 2015

Mohammed Amin

... Petitioner

- Vs -

The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

... Respondent

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to consider and pass orders within a time frame on the representation dated 06.04.2015 of the petitioner, regarding his reinstatement in service and grant of consequential service and retirement monetary benefits, pursuant to order dated 07.11.2014 in Crl.R.C.No.562/2007 acquitting the petitioner in the criminal case.

For Petitioner : Mr.M.G.Udaya Shankar

For Respondent : Mr.S.Saravanan

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner while serving as Conservancy Inspector in the service of the respondent was involved in the commission of an offence punishable under Sections 465, 468, 471, 420 and 419 r/w 109 of I.P.C. The case after investigation, has culminated into charge sheet was taken on file in C.C.No.2123 of 2001 on the file of the XI Metropolitan Magistrate, Saidapet, Chennai and the Trial Court has convicted and sentenced the petitioner for commission of the above said offences. The appeal filed by the petitioner in C.A.No.138 of 2003 before the Additional District and Sessions Court (Fast Track Court), Chennai has also ended in dismissal. The petitioner preferred

revision in Crl.R.C.No.562 of 2007 before this Court and this Court by an order dated 07.11.2014, allowed the said revision and thereby set aside the conviction and sentence passed against the petitioner and by that time, the petitioner has also attained the age of superannuation. In the meantime, since the petitioner was convicted, his service was terminated. The petitioner after getting the order of acquittal, submitted a representation dated 06.04.2015, for disbursement of retirement benefits and since no order has been passed, came forward to file this writ petition.

3. Heard the submissions of Mr.S.Saravanan, learned Standing counsel who accepts notice on behalf of the respondent.

4. This Court considering the limited scope of the prayer sought for by the petitioner, directs the respondent to consider and dispose of the representation of the petitioner dated 06.04.2015, on merits and in accordance with law, after taking note of the common order of this Court dated 07.11.2014 made in Crl.R.C.No.562 of 2007 and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kk

To

The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

+1cc to Mr.G.Punniyakotti, Advocate, S.R.No.47856

+1cc to Mr.S.Saravanan, Advocate, S.R.No.47595

CTK(CO)
CA(16/09/2015)

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