

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.6820 of 2013

S.Manoharan

...Petitioner

Vs.

1.Government Pleader
High Court,
Chennai - 600 104.

2.Secretary to Government,
Home (Courts) Department,
Secretariat, Fort St.George,
Chennai - 600 009.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the first respondent to reinstate the applicant forthwith, with all consequential benefits which includes and is not limited to continuity of service, backwages etc.,

For Petitioner : Mr.Karthik Mukundan
For Respondents : Mr.M.S.Ramesh
Additional Govt.Pleader

O R D E R

The petitioner was dismissed from service vide order dated 04.01.2010 by the Government Pleader, High Court, Chennai. The dismissal was solely on the ground that VII Additional Sessions Judge, City Civil Court, Chennai, convicted him in C.C.No.476 of 2007. The petitioner filed a statutory appeal and obtained stay of sentence. The petitioner thereafter submitted a representation requesting the first respondent to cancel the dismissal order. The first respondent having found that sentence alone was suspended by the Appellate court, rejected the request.

2. The criminal appeal filed by the petitioner was allowed by this Court by judgment dated 21.04.2011. Thereafter, the petitioner submitted a fresh representation on 25.02.2012 requesting the first respondent to cancel the order of dismissal and to reinstate him into service. The present request is to direct the first respondent to consider the representation in the light of the judgment in Criminal Appeal No.538 of 2009.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader on behalf of the respondents.

4. The factual matrix clearly indicates that the petitioner was dismissed from service only on account of his conviction by the Criminal Court in C.C.No.476 of 2007. The order passed by the first respondent dated 04.01.2010 also indicates that disciplinary proceedings were not taken against him. It is also a matter of record that the petitioner was subsequently acquitted by this Court. The petitioner is therefore perfectly correct in his contention that his case should be considered in the light of the judgment of the Appellate Court.

5. The first respondent is directed to consider and dispose of the representation submitted by the petitioner dated 25.02.2012 on merits and in the light of the judgment in Criminal Appeal No.538 of 2009. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1. Government Pleader
High Court,
Chennai - 600 104.

2. Secretary to Government,
Home (Courts) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

+ 1 cc to Mr. Karthik Mukundan Advocate SR.15929

+ 1 cc Government Pleader Sr.15841

AD(CO)
EU 06.04.2015

W.P.No.6820 of 2013