

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31319 of 2015

Abdul Hakim

... Petitioner

Vs.

1 The Commissioner
Corporation of Chennai Chennai.

2 The Central Regional Deputy
Commissioner Corporation of Chennai
Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus, call for records, quash the impugned order M.V.A.N.K.No.A5/002236/15, dated 09.06.2015 passed by the Second Respondent to the extent of dismissing the petitioner from service along and to direct the First respondent to consider the period from 3.5.1993 to 24.06.2004 as duty period.

For Petitioner : Mr.R.Vijayaraghaven

For Respondents : Mr.G.Anantha Rangan

O R D E R

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

2.The petitioner while working as the Bill Collector was said to have demanded and accepted illegal gratification of Rs.1500/- and since he was detained beyond 48 hours was placed under deemed suspension on 09.06.2015. The jurisdictional Vigilance and Anti-Corruption Department has also arrested the petitioner, charging the petitioner for the offence under Sections 7, 13(2) read with 13(1)(d) of Prevention of Corruption Act and after investigation filed charge sheet and the Trial Court has found him guilty vide order dated 05.11.2014 and sentenced him to undergo imprisonment for one year and fine of Rs.2000/- with default sentence. The petitioner challenging the conviction and sentence filed an appeal in C.A.No.518 of 2014 and the same is pending and the substantive sentence has been suspended by this Court. However, departmental enquiry was conducted and he was found guilty and he was issued with the impugned order of

dismissal from service by the second respondent and aggrieved by the same, the petitioner has preferred an appeal to the first respondent and the same is pending.

3.The learned counsel appearing for the petitioner would submit that though the petitioner prayed for a larger relief of quashment of the impugned order of dismissal from service, it would be suffice to direct the first respondent to consider and dispose of the petitioner's appeal petition dated 22.06.2015 in accordance with law within a stipulated time.

4.Heard the submissions of Mr.R.Vijayaraghaven, learned counsel appearing for the petitioner and Mr.G.Anantha Rangan, learned counsel who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in this writ petition or in the appeal, directs the first respondent to consider and dispose of the petitioner's appeal memorandum dated 22.06.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner
Corporation of Chennai Chennai.
- 2 The Central Regional Deputy
Commissioner Corporation of Chennai
Chennai.

+ 1 cc to Mr.R. Vijayaragavan, Advocate Sr.53818
+ 1 cc to Mr.G. Anantharangan, Advocate Sr.53829

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CTK(CO)
EU 13.10.15