

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.NO. 18127 OF 2010

P. Rathinam

.. Petitioner

Vs.

1. The Industries Commissioner and
Director of Industries and Commerce
Chepauk, Chennai - 600 005.

2. The General Manager
District Industries Centre
Dindigul - 624 003.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings dated 8.12.2005 made in RC. No. 83906/EG3/92 passed by the 1st respondent, quash the same and consequently direct the respondents herein to disburse the entire service benefits forthwith and pass further orders.

For Petitioner : Mr. N. Manokaran

For Respondents : Mr. N. Srinivasan,
Additional Government Pleader

O R D E R

This Writ Petition has been filed by Mr. P. Rathinam, challenging the impugned proceedings passed in RC No. 83906/ EG3/ 92 dated 08.12.2005, wherein he has been removed from service with immediate effect.

2. The petitioner was charge sheeted in C.C. No. 182/97 on the file of Judicial Magistrate I, Pollachi for offence under Section 409 of IPC. After completion of the trial, learned Judicial Magistrate I, Pollachi found him guilty and ordered Rigorous Imprisonment for six months and fine of Rs.1000/- and in case of default to undergo Rigorous Imprisonment for another two months. On

the basis of the conviction rendered against him in the aforesaid C.C. No. 182/1997, on 06.03.2002, he was issued with a show cause notice under Section 17(c)(i)(1) of Tamilnadu Civil Services (Discipline and Appeal) Rules and he was also subsequently placed under suspension. The petitioner submitted his explanation on 17.10.2005 stating that while he was under suspension he has preferred a criminal appeal before learned Principal District and Sessions Judge, Coimbatore, against the conviction and sentence imposed on him. Subsequently, the criminal appeal was transferred to Learned Fast Track Court No.III, Coimbatore and numbered as CrI.A. No. 82/2002. But, learned Fast Track Court No.III, modified the sentence of Rigorous Imprisonment for a period of 6 months and fine of Rs.1000/- as a sentence of one month with a fine of Rs.1000/- and confirmed the conviction. However, the detention undergone by the petitioner during the period of trial was directed to be set off, under Section 428 of IPC. Unfortunately, the petitioner has not challenged that order. As a result, the impugned order was passed removing him from service with immediate effect.

3. Counter Affidavit has been filed by the first respondent.

4. Heard learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents.

5. When the petitioner has accepted the conviction and the modified sentence awarded by learned Fast Track Court No.I, Coimbatore in C.A. NO.82/2002, the further contention made by learned counsel for the petitioner that the petitioner has been removed from service just few days before his retirement is malafide cannot stand to any reason. When the petitioner has suffered conviction by a criminal court, the contention made by the petitioner that there has been a modification order passed by the learned Appellate Court, does not attract Rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules is far from acceptance.

6. Hence, the Writ Petition fails and the same is dismissed. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

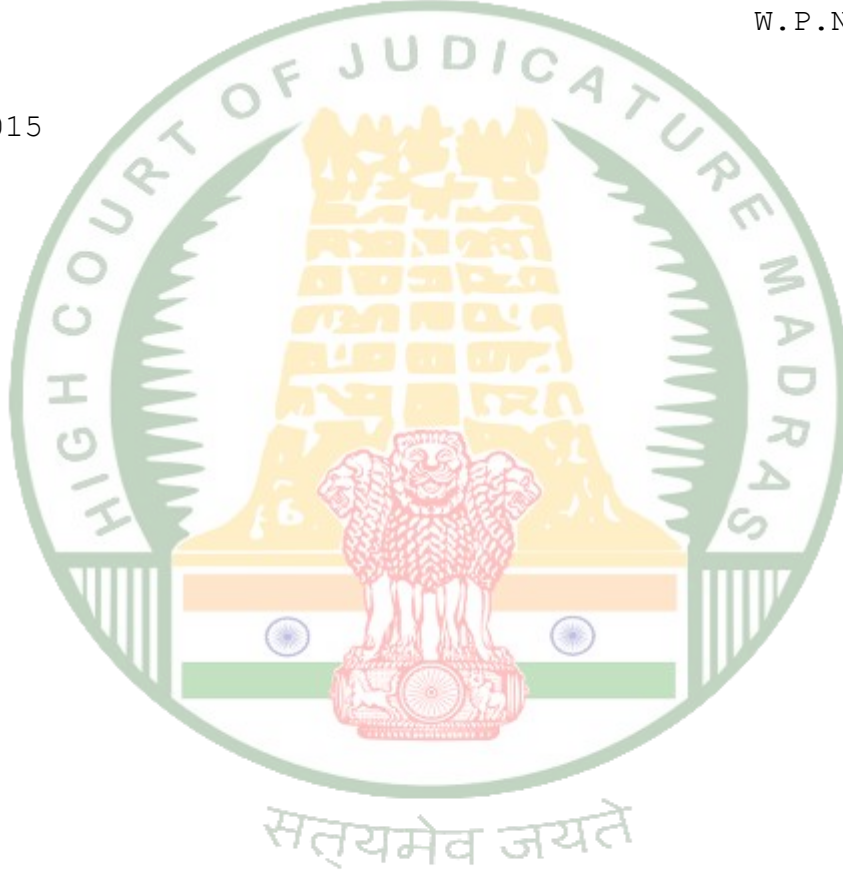
To

1. The Industries Commissioner and
Director of Industries and Commerce
Chepauk, Chennai - 600 005.
2. The General Manager
District Industries Centre
Dindigul - 624 003.

1 cc to Mr.N. Manokaran ,Advocate, SR.No.1961

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