



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 12460 of 2016

K. Murugesan

: Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai - 625 020.
 2. The District Adi-Dravidar and Tribal Welfare Officer,
Collectorate Complex,
Madurai - 625 020.
 3. The Special Tahsildar (Adi-Dravidar Welfare),
Usilampatti,
Madurai District.
- : Respondents

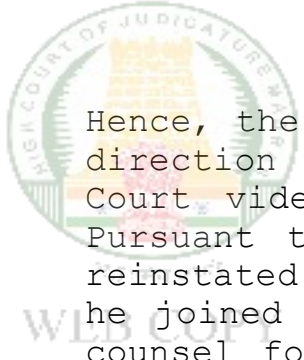
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents ie., the District Adi Dravidar and Tribal Welfare Officer, Madurai and the Special Tahsildar (Adi Dravidar Welfare), Usilampatti to pass appropriate orders on the petitioner's representation, dated 02.06.2016 regarding treating the period of his suspension as duty ie., from 16.11.2006 to 18.02.2014 based on the provisions contained in Ruling 9 to FR 54 within a specified time frame that may be fixed by this Court.

For petitioner : Mr. S. Visvalingam

For Respondents : Mr. M. Murugan,
Government Advocate

O R D E R

The petitioner Mr. K. Murugesan while serving as cook in the scheduled caste boys' hostel located at Thirumangalam, Madurai District, under the control of Special Tahsildar (Adi-Dravidar Welfare), Usilampatti, Madurai District, suffered a criminal case registered against him in C.C. No. 74 of 2007 on the file of the Principal Sub-Court, Dindigul, for the offence punishable under Section 307 of I.P.C. In view of the institution of the said criminal case, he was placed under suspension by the District Adi-Dravidar and Tribal Welfare Officer, Madurai, as per proceedings No. L3/112333/06/2013, dated 16.11.2006. Subsequently, he was removed from service on 21.03.2011 from all the charges. Even after acquittal, the respondents refused to reinstate the petitioner into service.



Hence, the petitioner has filed W.P(MD)No.20669 of 2013 sought for direction to the respondents to reinstate him into service. This Court vide order, dated 20.12.2013, allowed the Writ Petition. Pursuant to the order passed by this Court, the petitioner was reinstated into service as Cook vide order, dated 03.02.2014 and he joined duty on 09.02.2014. With this background, the learned counsel for the petitioner would submit that when the petitioner was implicated in a false case and finally got acquitted from all the charges vide judgment, dated 21.03.2011 passed in C.C.No.74 of 2007 on the file of the Principal Sub-Judge, Dindigul, he is entitled to get the benefit of Ruling 9 to Fundamental Rule 54. Therefore, the petitioner has given a representation on 02.06.2016, requesting the respondents to treat the period of suspension from 16.11.2006 to 18.02.2014 as duty period based on the provisions contained in Ruling 9 to FR 54 introduced in G.O.Ms.No.228 P & AR Department, dated 13.04.1989. But till now, they have not passed any order. As the long length of service namely, from 16.11.2006 to 18.02.2014, has not been regularised, the petitioner is deprived of consequential increments. Hence, he has filed this Writ Petition.

2. Mr.M.Murugan, learned Government Advocate, who took notice on behalf of the respondents, after referring to the said Ruling 9 to FR 54 introduced in G.O.Ms.No.228 P & AR Department, dated 13.04.1989, would submit that the request of the petitioner, would be considered on the basis of his representation in the light of the above Ruling.

3. Recording his statement, the respondents are directed to consider the representation of the petitioner, dated 02.06.2016, and pass appropriate orders on the same, on merits and in accordance with law, in the light of Ruling 9 to Fundamental Rule 54, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector, Madurai District, Madurai - 625 020.
- 2.The District Adi-Dravidar and Tribal Welfare Officer,
Collectorate Complex, Madurai - 625 020.
- 3.The Special Tahsildar(Adi-Dravidar Welfare), Usilampatti,
Madurai District.

+One cc to M/s.S.Visvalingam , Advocate, SR.No.37438

+One cc to The Special Government Pleader, SR.No.37568