



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2016

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THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.18021 of 2016

P.Paulraj

... Petitioner

vs.

- 1)The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Animal Husbandry
Dairying & Fisheries Department,
Secretariat,
Chennai-9.
- 2)The Director of Animal Husbandry &
Veterinary Services,
Thenapet,
Chennai-6.
- 3)The Regional Joint Director,
Department of Animal Husbandry
& Veterinary Services,
O/o.the Regional Joint Director Office,
Tirunelveli,
Tirunelveli District.
- 4)The Deputy Director,
Department of Animal Husbandry
& Veterinary Services,
O/o.the Deputy Director Office,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to directing the 1st respondent to reinstate the petitioner in service taking into account of the acquittal of the petitioner in Criminal Case in C.C.No.110/2009 dated 07.04.2011 on the file of the Judicial Magistrate Court No.5, Tirunelveli and in the light of order passed by the 1st respondent in his proceedings in G.O.Ms.No.39 Animal Husbandry, Dairying and Fisheries Department dated 02.03.2016 and in the proceedings of the 2nd respondent in Na.Ka.No.86567/No.2/2008 dated 04.03.2016 to similarly placed persons and by considering the



petitioner's representation dated 30.08.2016 within the period that may be stipulated by this Hon'ble court.

For Petitioner : Mr.C.Venkatesh Kumar

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

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ORDER

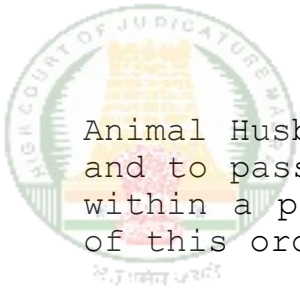
This Writ of Mandamus has been filed to direct the 1st respondent to reinstate the petitioner in service taking into account the acquittal of the petitioner in the criminal case in C.C.No.110/2009 dated 07.04.2011 on the file of the Judicial Magistrate Court No.5, Tirunelveli.

2.The petitioner was appointed as a daily wage employee in the office of the 4th respondent. The State Government by virtue of G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, regularised the services of the daily wage employees working in Government departments, who have rendered 10 years of service as on 01.01.2006, by regularising their appointments in the time scale of pay. Even though the said G.O was passed, the petitioner's services were not regularised. While he was working in the District Veterinary Farm, Tirunelveli, a case came to be registered against the petitioner and 10 others in Crime No.577/2007 under Sections 457 and 380 IPC, involving theft of Government property and the same ended in acquittal on 07.04.2011. Consequent to the acquittal in the criminal case, the petitioner sent a representation to the respondents seeking reinstatement in service and also to regularise his services.

3.When similarly placed persons filed W.P(MD)No.5698 of 2012, there was a direction by this Court to consider the representation and to pass necessary orders. Based on the directions issued in the said writ petition, G.O.Ms.No.39, Animal Husbandry Dairying & Fisheries Department, dated 02.03.2016, was passed permitting reinstatement and also regularisation. Contending that the petitioner is also similarly placed, he has filed this writ petition, seeking a direction to the respondents to reinstate him in service with consequential benefits by considering his representation dated 30.08.2016 which is pending consideration before the respondents.

4.The learned Additional Government Pleader submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 30.08.2016 and to pass orders within a time frame.

5.Recording the above submission, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 30.08.2016 in the light of G.O.Ms.No.39,



Animal Husbandry Dairying & Fisheries Department, dated 02.03.2016, and to pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1) The Secretary to Government,
State of Tamil Nadu,
Department of Animal Husbandry
Dairying & Fisheries Department,
Secretariat,
Chennai-9.
- 2) The Director of Animal Husbandry &
Veterinary Services,
Thenapet,
Chennai-6.
- 3) The Regional Joint Director,
Department of Animal Husbandry
& Veterinary Services,
O/o.the Regional Joint Director Office,
Tirunelveli,
Tirunelveli District.
- 4) The Deputy Director,
Department of Animal Husbandry
& Veterinary Services,
O/o.the Deputy Director Office,
Tirunelveli,
Tirunelveli District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 54722
+ 1 CC TO M/S.AJMAL ASSOCIATES, IN SR No. 54616

NBI

TE/DB : 21/10/2016 : 3P/7C

W.P (MD) No.18021 of 2016
22.09.2016