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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.9003 of 2016

and

W.M.P (MD) No.7183 of 2016

R.Marimuthu

... Petitioner

Vs.

1.The Managing Director,
Office of the Managing Director,
Tamil Nadu Civil Supply Corporation,
Head Office, Kilpauk,
Chennai 10.

2.The General Manager,
Administration,
Tamil Nadu Civil Supply Corporation,
Head Office, Kilpauk,
Chennai 10.

3.The Regional Manager,
Tamil Nadu Civil Supply Corporation,
Sivagangai Region,
Collector Office Campus,
Sivagangai.

4.Sivaraman,
The Regional Manager,
Tamil Nadu Civil Supply Corporation,
Sivagangai Region,
Collector Office Campus,
Sivagangai.

5.Gunasekar,
The Deputy Regional Manager,
Tamil Nadu Civil Supply Corporation,
Sivagangai Region,
Collector Office Campus,
Sivagangai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents Nos.1 and 2 to conduct detailed enquiry and take necessary action against the Respondent Nos. 4 and 5 on the basis of the petitioners representation dated 12.04.2016.



For Petitioner
For Respondents

: Mr.S.Malaikani
: Mr.D.Mayarajan

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ORDER

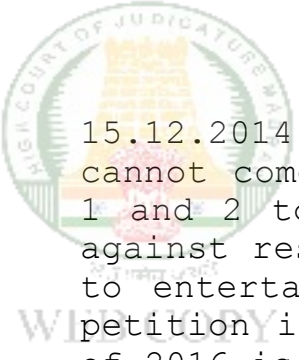
When the petitioner was working as a Bill Clerk in the 3rd respondent office, a case in STC.No.16 of 2008 was initiated by one Vishalakshi under sections 138 and 142 of the Negotiable Instruments Act making a claim that the petitioner having borrowed money of Rs.5,00,000/- had given a cheque for the said amount, but the same got dishonored. However, in the cheque bouncing case, the petitioner was convicted by the learned Judicial Magistrate, Devakottai, by judgment dated 07.01.2010 made in STC.No.16/2008. Aggrieved by the said conviction, the petitioner preferred an appeal in C.A.No.10 of 2010, but the same was dismissed by the learned Sessions Judge, Sivagangai, by judgment dated 15.03.2013.

2.Subsequently, the petitioner has filed CrI.R.C(MD)No.473 of 2013 and by virtue of an order of suspension of sentence granted by this Court, he was released, on condition that he has to report before the learned Judicial Magistrate, Devakottai, on the first working day of every English Calendar month and that the said interim order was extended until further orders.

3.Thereafter, the petitioner was dismissed from service, by proceedings dated 15.12.2014 of the 3rd respondent. Aggrieved by the order of dismissal, he has filed W.P(MD)No.21456 of 2014, challenging the proceedings dated 15.12.2014 of the 3rd respondent. Later on, the petitioner was acquitted from 138 proceedings and hence, he has given a representation to the respondents 1 to 3 to reinstate him in service and also filed W.P(MD)No.18001 of 2015.

4.At this juncture, the petitioner has come to this Court with the present writ petition seeking issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct a detailed enquiry and take necessary action against respondents 4 and 5, on the basis of his representation dated 12.04.2016.

5.But this Court does not find any merits in this writ petition. The petitioner was dismissed from service by proceedings dated 15.12.2014 of the 3rd respondent. Challenging the said order, the petitioner has preferred W.P(MD)No.21456 of 2014. The order of conviction passed by the learned Judicial Magistrate, Devakottai, by judgment dated 07.01.2010 made in STC.No.16/2008 has also been confirmed in C.A.No.10 of 2010 by the learned Sessions Judge, Sivagangai, by judgment dated 15.03.2013. Without testing the correctness of the order of dismissal dated



15.12.2014 challenged in W.P(MD)No.21456 of 2014, the petitioner cannot come to this Court, seeking a direction to the respondents 1 and 2 to conduct a detailed enquiry and take necessary action against respondents 4 and 5, therefore, this Court is not inclined to entertain the present writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, W.M.P(MD)No.7183 of 2016 is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

- 1.The Managing Director,
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Collector Office Campus,
Sivagangai.
- 4.The Deputy Regional Manager,
Tamil Nadu Supply Corporation,
Sivagangai Region, Collector Office Campus,
Sivagangai.

+1cc to Mr.D.Mayarajan, Advocate SR.No.27266

+1cc to Mr.S.Malaikani, Advocate SR.No.27285

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W.P(MD)No.9003 of 2016
01.06.2016