

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6779 of 2017

A.K. Chinnakulandai

Petitioner

vs.

The Revenue Divisional Officer
Dharmapuri, Dharmapuri District

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to consider the petitioner's representation dated 13.02.2017 in accordance with law.

For petitioner :Mrs. R. Anitha
For respondent :Mr. T.M. Pappiah
Spl. Govt. Pleader

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the respondent. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 The case of the petitioner, in a nutshell, is as under:

2.1 The petitioner was appointed as Village Administrative Officer through the Tamil Nadu Public Service Commission and he joined duty on 12.03.1984 at Bathrahalli Village, Pennagaram Taluk. Later, while he was serving in that post in Manjanayakanahalli Village in Pennagaram Taluk, on 20.09.2005, he was arrested based on a false complaint given by one Sengodiselvan.

2.2 Owing to his arrest, he was suspended from service on 21.09.2005 and a criminal case also was launched against him in Special C.C. No.15 of 2008 before the Chief Judicial Magistrate, Dharmapuri, in which, he was ultimately acquitted vide judgment dated 01.04.2016. Meanwhile, having been reinstated in service vide proceedings dated 02.09.2010 of the respondent, he took charge at Belamaranahalli Village, Palacode Taluk on 03.09.2010.

2.3 However, when he attained the age of superannuation on 31.03.2013, vide proceedings of the respondent of even date in ROC No.10928/2005/A1, he was not permitted to retire from service, until the conclusion of the criminal case pending against him and he was retained in service.

2.4 The petitioner's grievance is that albeit he has been acquitted by the criminal court in Special C.C. No.15 of 2008 way back in April 2016, the respondent has not recalled the order of retention, as a result of which, he is not able to get his pensionary benefits and though he has addressed representations on 29.04.2016, 04.07.2016 and 13.02.2017 to the respondent in this regard, the same have been remaining unconsidered and hence, he has filed the instant writ petition seeking a writ of mandamus directing the respondent to consider his last representation dated 13.02.2017 in accordance with law.

3 Considering the fact that the criminal case launched against the petitioner by the Vigilance and Anti-Corruption Team, Dharmapuri in Special C.C. No.15 of 2008 before the Chief Judicial Magistrate Court, Dharmapuri, has ended in acquittal vide judgment dated 01.04.2016, this Court is of the considered opinion that there is no justification whatsoever on the part of the respondent in not considering the petitioner's last representation dated 13.02.2017, which, perforce requires consideration.

4 Accordingly, this Court directs the respondent to consider the petitioner's representation dated 13.02.2017 within a period of four weeks from the date of receipt of a copy of this order, provided, no departmental proceedings is pending against him. Needless to state that if the petitioner faces any departmental proceedings, his representation dated 13.02.2017 deserves no consideration.

With the above direction and observation, this writ petition stands disposed of. Costs made easy.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

+ 1 cc to Mr.R.Anitha, Advocate SR.17525
+ 1 cc to Government Pleader Sr.17955

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