

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

Writ Petition No.14063 of 2017
and WMP Nos.15284 and 15285 of 2017

M.P.Angappan

... Petitioner

//vs//

The Collector,
Villupuram District,
Villupuram 605 602.

... Respondent

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the order of the respondent in his proceedings Roc.No.A2/6068/2004 dated 29.01.2004 and Na.Ka.No.A2/4130/2005 dated 07.10.2005 and Quash the same and consequently direct the respondent to reinstate the petitioner into service together with all consequential service and monetary benefits and treat the period of suspension as duty for all purposes as per Fundamental Rule 54(9) within a time-frame as deem fit and proper by this court or issue any other appropriate Writ, Order, Direction in the nature of a Writ or any other appropriate relief, as this court may deem fit in the circumstances of the case.

For Petitioner ... M/s G.Bala and Daisy

For Respondent ... Mr.T.M.Pappiah,
Special Government Pleader

ORDER

The petitioner, an Assistant in the Taluk Office, Vanur, has filed this Writ Petition to call for the records relating to the proceedings in Roc.No.A2/6068/ 2004 dated 29.01.2004, and proceedings in Na.Ka.No.A2/ 4130/2005 dated 07.10.2005, and to Quash the same, and consequently direct the respondent to reinstate the petitioner into service together with all consequential service and monetary benefits and treat the period of suspension as duty for all purposes as per Fundamental Rule 54(9) within a time-frame.

2. It is seen from the materials on record that the petitioner, pending prosecution for the offence under Section 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, has been placed under suspension by the impugned order dated 29.01.2004 in proceedings in Roc.No.A2/6068/ 2004. His request for reinstatement was rejected by the respondent, as per the order passed in Na.Ka.No.A2/4130/2005 dated 07.10.2005. The criminal case against the petitioner ended in acquittal. Against the order of acquittal, the respondent has filed a Criminal Appeal No.406 of 2016 on the file of this court and it is pending.

3. Pending disposal of this Writ Petition, the respondent has passed an order in Na.Ka.A2/7257/2013 dated 21.08.2017 reinstating the petitioner into service, subject to the outcome of the Criminal Appeal No.406 of 2016.

4. The learned Special Government Pleader would submit that in view of the order dated 21.08.2017 in Na.Ka.A2/7257/2013, nothing survives in this Writ Petition. He would also submit that the order for consequential service benefits would be passed in due course, in accordance with the Service Rules.

5. Having regard to the fact that the petitioner has been reinstated, nothing survives for consideration in this Writ Petition. As for as the consequential service benefits are concerned, it is open to the petitioner to submit a representation to the respondent.

6. In the result, the petitioner is directed to submit his representation with regard to the consequential service benefit to the respondent. In the event of any representation being made, the same is directed to be disposed of within a period of one month from the date receipt of the representation in accordance with the service rules, by the respondent.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, Writ Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

mst

To

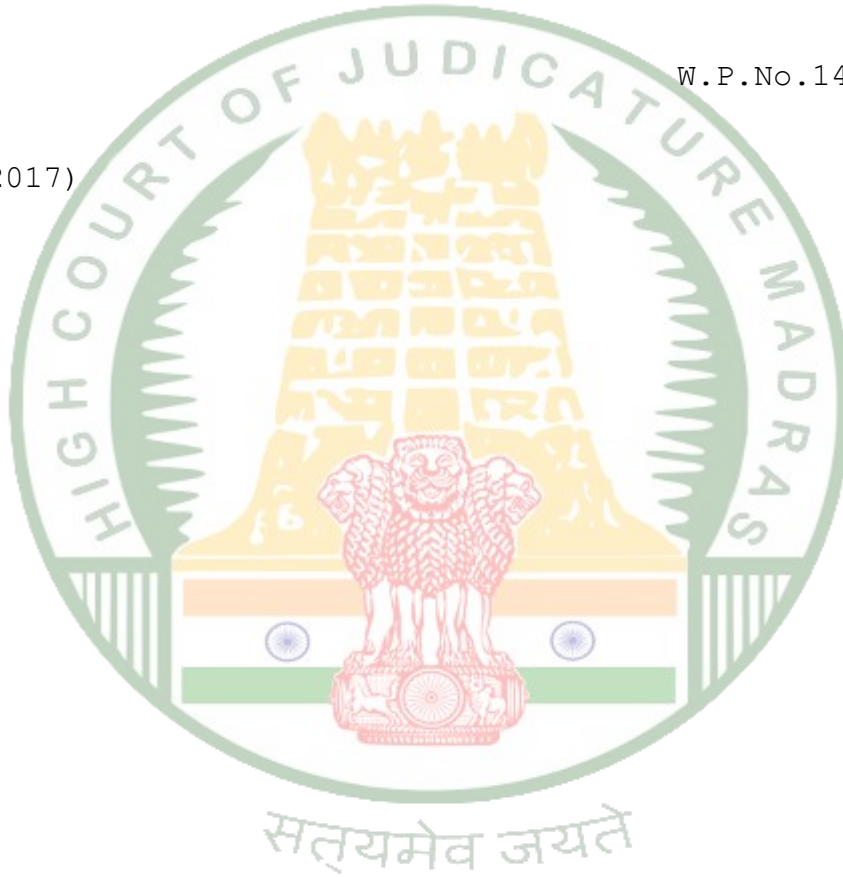
The Collector,
Villupuram District,
Villupuram 605 602.

+1 CC to Ms. G. Bala & Daisy, Advocate sr 63636.

+1 Cc to Govt. Pleader sr 63671.

W.P.No.14063 of 2017

AK (CO)
sp(03/10/2017)



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