

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.20671 of 2016

and

W.M.P.Nos.17755 & 17756 of 2016

M.Ramalingam

... Petitioner

Vs.

1. State rep by
The Superintendent of Police,
Thiruvarur District, Thiruvarur.
2. The Deputy Superintendent of Police,
Thiruthuraipoondi Sub-Division,
Thiruthuraipoondi, Thiruvarur District.
3. The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruthuraipoondi, Thiruvarur District.
4. The Inspector of Police,
Keelvelur Police Station,
Thirivarur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned dismissal order passed vide C.No:C1/3429/2010/D.O.887 of 2014 dated 28.10.2014 by the 1st respondent herein and to quash the same as illegal and consequently, direct the 1st respondent to reinstate the petitioner into service.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.V.Jayaprakash Narayanan, Spl GP

ORDER

The writ petition has been filed challenging the impugned dismissal order in C.No:C1/3429/2010/D.O.887/2014, dated 28.10.2014, passed by the 1st respondent.

2.It is stated that while the petitioner was serving as Head-Constable in Allivalam Police Station, Thiruvarur District, a criminal case was registered against him in Cr.No.105 of 2010

for offences under Section 294(b), 323, 324, 506(ii) IPC on the file of the Inspector of Police, Keel Velur Police Station. Subsequently, the learned Judicial Magistrate No.I, Nagapattinam, after full trial, convicted him for the offence under Section 324 IPC and sentenced to undergo rigorous imprisonment for one year. As against that, the petitioner preferred an appeal in C.A.No.37 of 2013 on the file of the learned Principal District & Sessions Judge, Nagapattinam. In the meanwhile, on the basis of the order of conviction passed by the learned Judicial Magistrate, the petitioner was dismissed from service by the impugned order dated 28.10.2014. Though the petitioner had earlier filed a writ petition in W.P.No.11639 of 2015 challenging the said dismissal order, he withdrew the writ petition on 21.04.2015 to pursue his remedy before the learned Principal District & Sessions Judge, Nagapattinam. Finally, the appeal in C.A.No.37/2013 filed by him was allowed setting aside the conviction and sentence passed by the trial Court and the petitioner was acquitted by judgment dated 18.02.2016.

3.As the service of the petitioner was terminated only on the basis of the order of conviction and sentence passed by the learned Judicial Magistrate No.I, Nagapattinam, he is entitled to be reinstated into service. In this regard, he has given a representation on 14.03.2016 to the 1st respondent seeking to reinstate him in service. Further, no departmental enquiry was initiated against the petitioner. Therefore, the judgment passed by the learned Principal District & Sessions Judge, Nagapattinam in C.A.No.37/2013 has to be accepted and the petitioner has to be reinstated into service.

4.The learned Special Government Pleader sought for four weeks time to consider the representation of the petitioner dated 14.03.2016.

5.Hence, this Court directs the 1st respondent to consider the representation dated 14.03.2016 given by the petitioner and to pass appropriate orders, on merits and in accordance with law, 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. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Superintendent of Police,
Thiruvarur District,
Thiruvarur.
2. The Deputy Superintendent of Police,
Thiruthuraipoondi Sub-Division,
Thiruthuraipoondi,
Thiruvarur District.
3. The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruthuraipoondi,
Thiruvarur District.
4. The Inspector of Police,
Keelvelur Police Station,
Thiruvavur District.

+1cc to Mr.K.Gandhi Kumar, Advocate, S.R.No.78883

+1cc to the Government Pleader, S.R.No.79290

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and

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CS/24/11/17



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