

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 07.07.2017

Delivered on : 14.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.33038 of 2004

K.Ravi (Deceased)

R.Vijaya
R.Nirmaladevi
R.Manikandan
R.Rajkumar

(P.2 to P.5 substituted as
Legal Representatives of P.1)

.... Petitioners

Vs

1. The Tamil Nadu Public Service Commission
Rep. by its Secretary,
Chennai - 600 002.

2. The Under Secretary (Admn.),
Tamil Nadu Public Service Commission,
Chennai - 600 002.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus to call for the records of the second respondent's proceedings in No.164/Pa.Thu. E3/98 dated 17.09.2004 and quash the same and direct the respondents to re-instate the petitioner in the service of Tamil Nadu Public Service Commission.

For Petitioners : Mr.S.Sathish

For Respondents : Mr.M.Devendran
Standing Counsel for TNPSC

ORDER

This Writ Petition was filed by K.Ravi challenging his termination of service by the second respondent on 17.09.2004. During the pendency of the writ petition, K.Ravi died and was substituted by his wife R.Vijaya, his daughter R.Nirmaladevi, his sons R.Manikandan and R.Rajkumar as his legal

representatives by order of this Court dated 22.03.2017 passed in WMP No.4758 of 2017 in W.P.No.33038 of 2004. Hence, the writ petition is now prosecuted by the legal representatives of the deceased K.Ravi. The respondents have also filed their counter affidavit which has been taken on file.

2. K.Ravi was terminated from service of the first respondent by order of the second respondent dated 17.09.2004, for submitting forged documents and giving false declaration while getting employment through Employment Exchange. The petitioner was sponsored by the Employment Exchange and was appointed as Office Assistant in the first respondent's Office on 10.01.1992. Based on an anonymous petition received by the first respondent on 11.12.1997, which is extracted in Paragraph No.3 of the counter affidavit filed by the first respondent, the service register of the petitioner was verified and it was found that the petitioner had given the following particulars while joining the first respondent's office:

Name	:	K.Ravi
Date of Birth	:	21.09.1961
Father's name	:	Krishnan
Address	:	No.9, Balaji Nagar, 4 th Street, Royapettah, Chennai - 600 014.
Name of the institution where he studied	:	Corporation Middle School, Sivarajapuram, Chennai-600 012.

3. The Bonafides of K.Ravi was suspected following the receipt of the aforesaid anonymous petition. The first respondent as seen from their counter sought the assistance of the Civil Supplies Authorities, Corporation Authorities and the School Authorities in order to ascertain the current parentage of K.Ravi. The Assistant Commissioner, Civil Supplies, Chennai furnished a photocopy of the application submitted to the Civil Supplies Department by K.Ravi for the supply of ration card to his family. Similarly, the Electoral Registration Officer, Revenue Officer, Chennai Corporation furnished electoral roll containing the name of K.Ravi. The perusal of the above records revealed the fact that the father's name of K.Ravi was Subramani and not Krishnan. The reply received from the District Elementary Education Officer, Chennai laid bare the fact that the certificate of the educational qualification produced to the first respondent by K.Ravi belonged to another Ravi having K as initial who studied in Corporation Middle School, Sivarajapuram, Chennai - 600 012. It is thus evident that K.Ravi has secured

the appointment as Office Assistant in the first respondent's Office by giving false declaration and submitting forged documents.

4. The (departmental) disciplinary proceedings were also instituted against K.Ravi under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Subsequent to the suspension from service with effect from 15.06.1998, a complaint was also preferred to the State C.B., C.I.D., Chennai, by the office of the first respondent for instituting necessary criminal proceedings against the original petitioner K.Ravi.

5. As regards, the criminal case filed against K.Ravi before the Additional Chief Metropolitan Magistrate Court, Egmore, Chennai, on 19.01.2001, the Court delivered its judgment, acquitting the petitioner and it was observed that the petitioner has been acquitted by the Court solely on technical grounds, since the prosecution C.B., C.I.D., had failed to produce before the Court, the documents which were seized by it during investigation to substantiate the charges against K.Ravi.

6. From the above, it is clear that the petitioner had not been acquitted honourably by the Court. As regards the (departmental) disciplinary action already initiated against K.Ravi for the offence committed by him, after giving sufficient opportunity to defend his case, the petitioner K.Ravi was inflicted with the punishment of 'Removal from Service' for the proven charge vide order impugned in this W.P. dated 17.09.2004 of the second respondent. The impugned order is a considered and reasoned order. K.Ravi was also given full opportunity of defending the case in the said proceedings.

7. The impugned order is also an appealable order and K.Ravi ought to have preferred an appeal to the Secretary to the Commission (Appellate Authority) and thereafter, a revision would lie to the Chairman, Tamil Nadu Public Service Commission (Revisionary Authorities) against the punishment of Removal from service imposed on him. Instead of exhausting the alternate remedy of appeal available to him, K.Ravi has approached this Court under Article 226 of the Constitution of India. There is also no breach of principles of Natural Justice committed by the respondents as they have given sufficient opportunity to K.Ravi to defend the disciplinary proceedings and he has also participated and submitted his defence before the second respondent. Hence, I find there is no merit in the writ petition filed by K.Ravi, who died on 07.04.2010 and now

represented by his legal representatives namely 2nd, 3rd, 4th and 5th petitioners.

In the result, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Pam

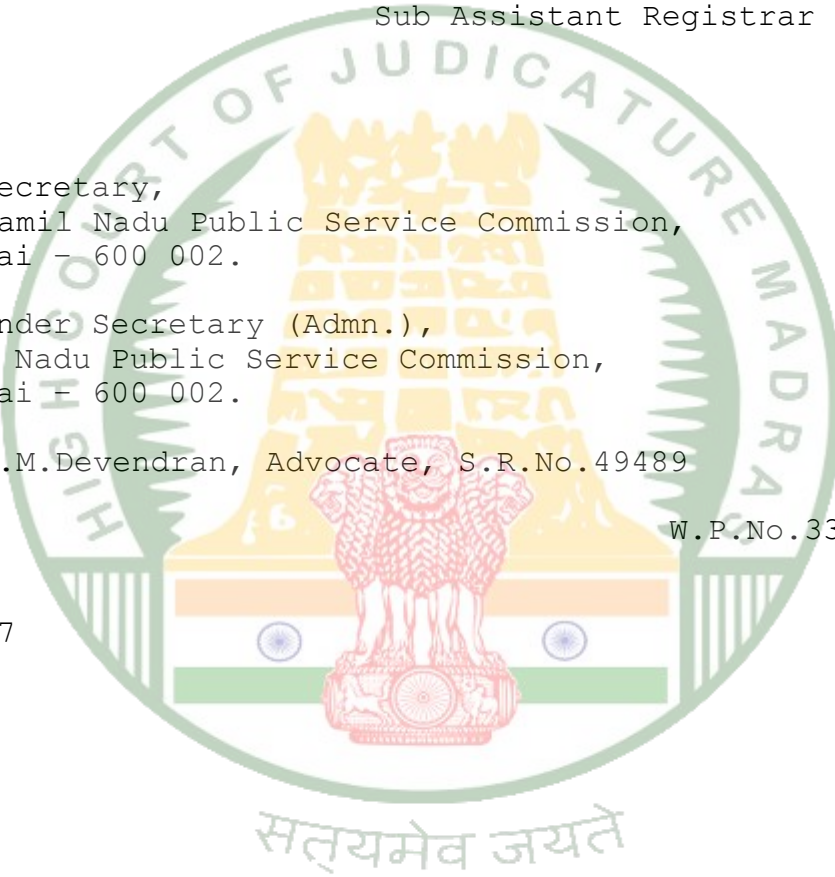
To

1. The Secretary,
The Tamil Nadu Public Service Commission,
Chennai - 600 002.
2. The Under Secretary (Admn.),
Tamil Nadu Public Service Commission,
Chennai - 600 002.

+1cc to Mr.M.Devendran, Advocate, S.R.No.49489

W.P.No.33038 of 2004

MP (CO)
CS/03/08/17



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