



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.03.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**
AND
THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.A. (MD) No. 92 of 2015

M.Mariappan : Appellant

Vs.

1.The Commissioner,
(Municipal Administration),
Chepauk, Chennai-05.

2.The Commissioner,
Thirunelveli Corporation,
Thirunelveli-627 001.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order of the Writ Court dated 27.10.2014 in W.P.(MD) No.17216 of 2014.

Prayer in WP(MD). 17216/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to consider the petitioner s representation dated 21.07.2014 seeking to regularise the petitioner s service as per G.O. Ms. NO. 341 dated 24.07.2007 passed by the Municipal Administration and Water Supply Department

For Appellant : Mr.A.Jaya Ramachandran

For Respondent No.1 : Mr.S.Chandrasekar,
Government Advocate

For Respondent No.2 : Mr.Aayiram K.Selvakumar,
Government Advocate

J U D G M E N T

[Judgment of the Court was delivered by **R.SUBBIAH, J.**]

This Writ Appeal has been filed as against the order of a learned Single Judge of this Court dated 27.10.2014, made in W.P. (MD) No.17216 of 2014, whereby and whereunder, the learned Single



Judge rejected the prayer of the appellant seeking for a direction to the respondents to consider his representation dated 21.07.2014 to regularize his service as per G.O.Ms.No.341, dated 24.07.2007.

2. The learned Single Judge declined the said prayer made by the appellant for the reason that the appellant was involved in a criminal case for the offence under Section 395 r/w 120(b) IPC. Though the appellant was convicted by the learned Sessions Judge, subsequently, on appeal in CrI.A.No.217 of 2007, he was acquitted by this Court by giving a benefit of doubt. Since the appellant was acquitted only on the ground of benefit of doubt, the learned Single Judge declined to entertain the prayer of the appellant. Aggrieved over the same, the present Writ Appeal has been filed.

3. Today, when the appeal was taken up for consideration, the learned counsel for the appellant submitted that it would be suffice, if a direction is given to the second respondent to consider the representation given by the appellant.

4. The learned Government Advocate appearing for the respondents also submitted that the respondents are ready to consider the representation of the appellant on merits.

5. In view of the above said submission made by the learned counsel on either side, the order of Writ Court dated 27.10.2014, made in W.P.(MD)No.17216 of 2014, is set aside. The appellant is directed to send a copy of the representation along with a copy of this order to the second respondent, within a period of two weeks from the date of receipt of a copy of this judgment and on receipt of the same, the second respondent is directed to consider and dispose of the same on merits and in accordance with law, within a period of four weeks thereafter. However, it is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the appellant. It is for the second respondent to decide the representation on its own merits.

6. The Writ Appeal stands allowed as indicated above. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,

(Municipal Corporation Administration),

Chepauk, Chennai-05.



2.The Commissioner,
Thirunelveli Corporation,
Thirunelveli-627 001.

+1 cc to MR.A.JEYARAMA CHANDRAN, Advocate SR.No.12166

+1 cc to Special Government Pleader SR.No.12282

+1 cc to MR.AAYIRAM K. SELVAKUMAR, Advocate SR.No.12236

Judgment made in
W.A. (MD) No.92 of 2015
02.03.2017

SMA/PM-PN/SAR-3/14.03.2017:3P/6C