



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

CORAM:

THE HON'BLE Mr.JUSTICE S.S. SUNDAR

W.P. (MD) No.1213 of 2017

K.Ramadoss

... Petitioner

Vs.

1. The Principal Secretary and Commissioner of
Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

2. The District Collector,
Thoothukudi District,
Thoothukudi.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus for directing the second respondent i.e., the District Collector, Thoothukudi to pass appropriate orders on the directions given by the first respondent i.e., the Principal Secretary and Commissioner of Revenue Administration, Chennai in his letter கடித எண் ந.க.பணி 3(4)/ 47361/2009 நாள் 14.06.2016, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.N.S. Karthikeyan,
Additional Government Pleader

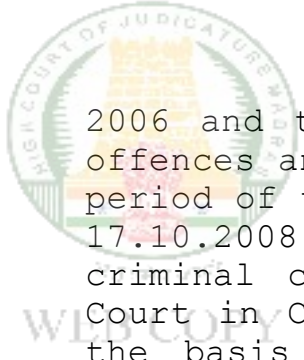
O R D E R

The petitioner has filed the above writ petition for issuance of a Writ of Mandamus for directing the second respondent i.e., the District Collector, Thoothukudi to pass appropriate orders on the directions given by the first respondent i.e., the Principal Secretary and Commissioner of Revenue Administration, Chennai in his letter dated 14.06.2016, within a stipulated time that may be fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The brief facts that are necessary for disposal of the present writ petition are as follows:

The petitioner was serving as Depot Manager, TASMAR, Thoothukudi District. A criminal case was registered by the Vigilance and Anti-corruption Department in Crime No. 2 of 2005 under Section 7 of the Prevention of Corruption Act, 1988 against the petitioner and the petitioner was placed under suspension by the District Collector, Thoothukudi namely, the second respondent herein. The Criminal case was ended in conviction in S.C.No 2 of



2006 and the Special Court found the petitioner guilty of the offences and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.5,000/- by order dated 17.10.2008. As Against the order of the Special Judge in the criminal case, the petitioner preferred an appeal before this Court in Crl.A.(MD) No.472 of 2008. However, in the meanwhile on the basis of conviction by the criminal court as against the petitioner, the departmental proceedings were initiated against the petitioner and he was dismissed from service by the District Collector by order dated 20.04.2009. Thereafter, the petitioner herein pursued the appeal in Crl.A.No.472 of 2008 and this Court allowed the appeal and set aside the order of conviction passed by the Special Court by judgment dated 03.07.2015. In the light of the order of this Court dated 03.07.2015, the petitioner preferred an appeal before the first respondent to set aside the order passed by the District Collector in the light of the reversal of the order of conviction passed by the Special Court. During the pendency of the appeal, the Principal Secretary-cum-Commissioner of Revenue Administration, Thoothukudi, issued the proceedings dated 14.06.2016 recommending the Appellate Authority to reconsider the order of termination issued by the disciplinary authority against the petitioner. In such circumstances, the petitioner has come forward with the present writ petition.

4. Having regard to the limited scope of the writ petition and the facts narrated in this writ petition, this writ petition is disposed of with the following direction:

The second respondent is directed to consider the appeal petition, which was preferred by the petitioner to the first respondent forwarded to the second respondent in accordance with law and on merits after giving an opportunity to the petitioner within a period of 8 weeks from the date of receipt of a copy of this order. The second respondent is also directed to consider the recommendation of the first respondent dated 14.06.2016.

No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary and Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai - 600 005.
- 2.The District Collector, Thoothukudi District, Thoothukudi.
- +1 CC to M/s.S.VISVALINGAM, Advocate, SR No.14943
- +1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No.15097

CM