



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) No.15364 of 2017
and
W.M.P. (MD) No.12165 of 2017

P.N.Muraleedaran,
Senior Administrative Assistant (Under suspension),
District Legal Aid Committee, Ramanathapuram,
S/o. P.N.Naganathan,
Residing at
Door NO.1/383, Sakthi Illam,
Bharathi Nagar,
Ramanathapuram.

... Petitioner

-vs-

1. The Member Secretary,
Tamil Nadu State Legal Services Authority,
High Court Campus,
Chennai-104.

2. The Chairman/Principal District Judge,
District Legal Services Authority,
Ramanathapuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent in his proceedings dated 21.06.2017 framing charge under Rule 17-(b) and quash the same and consequently direct the respondents to reinstate the petitioner into service by revoking the suspension and treating the period of suspension as duty for all purposes within a stipulated time fixed by this Court.

For Petitioner : Mr.P.Veerabaku

For Respondents : Mr.T.R.Janarthanan
for R1 & R2 Additional Government Pleader

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

This writ petition has been filed by the petitioner challenging the charge memo on the sole ground that he was acquitted in a criminal case.

2.The learned counsel for the petitioner would submit that the charges have been framed after the judgment rendered in C.C.No.19 of 2016. In support of his case, the learned counsel for the petitioner relied upon the following judgments in **AIR 1999 Supreme Court 1416 (M.Paul Anthony v. Bharat Gold Mines Ltd.,)** and **(2012) 13 Supreme Court Cases 94 (Gurpal Singh vs. High Court of Judicature of Rajasthan)**.

3.The contention of the learned counsel for the petitioner cannot be countenanced in law. There is no bar for the respondents to proceed departmentally notwithstanding the order of acquittal is passed. Both the proceedings can go simultaneously and merely because an acquittal has been rendered by the Criminal Court on the basis of proof beyond reasonable doubt, departmental enquiry which is likely to be decided on propaganda probabilities cannot be quashed. The case is at the charge memo stage. It is not as if the charges framed without the jurisdiction. The Court is not expected to go into the merits of the case. The petitioner is also given his reply.

4.In such view of the matter, we do not find any merit in this petition and the judgments relied upon by the counsel for the petitioner is not applicable to the facts of the present case. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

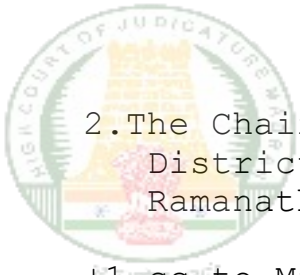
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To:

1.The Member Secretary,
Tamil Nadu State Legal Services Authority,
High Court Campus,
Chennai-104.



2.The Chairman/Principal District Judge,
District Legal Services Authority,
Ramanathapuram.

+1 cc to Mr.P.Veerabaku , Advocate in SR.No. 73017

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