



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) .No17094 of 2017

and

W.M.P. (MD)No.13677 of 2017

C.Thangarajan

.. Petitioner

Vs.

1. The District Collector,
Nagercoil,
Kanniyakumari District.

2. The Block Development Officer,
Thiruvattar Panchayat Union,
Thiruvattar,
Kanniyakumari District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing to the 1st respondent to promote the petitioner as Block Development Officer notionally by fixing his seniority above his juniors and may disburse the respective benefits to him accessioned by law.

For Petitioner : Mr.K.P.Narayanakumar

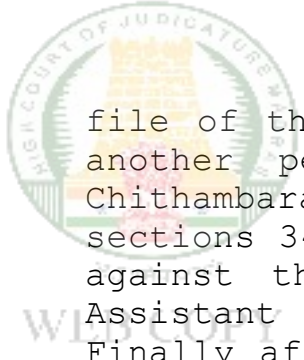
For Respondents : Mr.Aayiram K.Selvakumar

O R D E R

By consent of both sides, this writ petition itself is taken up for final disposal.

2.The present writ petition has been filed seeking a Writ of Mandamus directing the first respondent to promote the petitioner as Block Development Officer notionally by fixing his seniority above his juniors with consequential benefits.

3.While, the petitioner was serving as an Extension Officer at Thiruvattar Panchayat Union, he suffered a criminal case on the



file of the Sucindrum Police Station along with his two sons and another person on the basis of a complaint lodged by one Chithambaram in Crime No.504 of 1999 for offences punishable under sections 341, 323, 324 and 307 IPC. After filing the charge sheet against the petitioner and others, the case was committed to Assistant Sessions Court, Padmanabhapuram in S.C.No.241 of 1999. Finally after trial, the petitioner along with other accused were convicted for offence punishable under sections 341 and 307, r/w 34 and sentenced to under go seven years rigorous imprisonment along with fine of Rs.1000/-, failing which to undergo another six months simple imprisonment.

4.Pursuant to the order of the Assistant Sessions Court, Padmanabhapuram in S.C.No.241 of 1999, the first respondent issued an order suspending the petitioner vide his proceedings dated 21.03.2006. Later, on 13.07.2006, the first respondent passed an order, dismissing the petitioner from service.

5.Aggrieved by the conviction and sentence passed by the learned Trial Court, an appeal was filed on the file of the learned Sessions Judge, Mahila Court. The said Criminal Appeal No.73 and 75 of 2006 were jointly allowed, acquitting the petitioner and others vide order dated 17.05.2016.

6.Based on the order of acquittal, the District Collector, Kanyakumari, had passed an order dated 29.09.2016, setting aside the order of dismissal from service and the order of suspension was also revoked by another proceedings dated 30.09.2016. One another proceedings was also passed on 30.09.2016, permitting the petitioner to retire from service retrospectively from 31.03.2006.

7.Taking advantage of the aforementioned proceedings of the District Collector, Kanyakumari, the petitioner has come to this Court seeking a direction to the respondents to consider his request for promotion on par with his juniors. But, the petitioner has already reached the age of superannuation on 31.03.2006. The petitioner was convicted by the trial Court and sentenced to undergo 7 years imprisonment with fine of Rs.1000/-, failing which to undergo another 6 months simple imprisonment. Only on the basis of the said judgment, the petitioner was dismissed from service on 13.07.2006. Subsequently, the order of dismissal came to be cancelled vide proceedings dated 29.09.2016, in view of an order passed by the Principal District Judge in Criminal Appeal Nos.73 and 75 of 2006 dated 17.05.2016, on the basis of benefit of doubt only.

8.While this being the position, it is not known how the petitioner is entitled to ask for promotion on par with his juniors. A perusal of the order of acquittal also does not show any direction in favour of the petitioner's promotion.



Accordingly, the Writ petition is dismissed. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Nagercoil,
Kanniyakumari District.
2. The Block Development Officer,
Thiruvattar Panchayat Union,
Thiruvattar,
Kanniyakumari District.

+ 1 cc TO Mr.K.P.Narayanakumar , Advocate in SR No. 77919
+1CC TO The Special Government Pleader in SR.No.78292

MR/vsg

AE/MR KKR/SAR3/10.11.2017/3P/5C

W.P. (MD) .No17094 of 2017
11.09.2017