



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.17620 of 2017

S.Raguvaran

... Petitioner

-vs-

1. The Director,
Directorate of Town Panchayat,
Kuralagam,
Chennai.
2. The Assistant Director,
Town Panchayat Regional Office,
Sivagangai.
3. The Executive Officer,
Town Panchayat Office,
Kamuthi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the third respondent to reinstate the petitioner in service as Record Clerk with all service benefits with effect from the date on which he was removed from service by considering the representation of the petitioner dated 30.06.2017.

For Petitioner : Mr.D.Sasikumar

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

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

2.The petitioner was appointed as Record Clerk through Employment Seniority by the Executive Officer, Keelakarai Town Panchayat vide proceedings dated 19.01.1995. After the completion of the petitioner's probation period on 20.01.1997, his services were also regularized with effect from the date of his appointment.



3.The learned counsel for the petitioner would submit that the petitioner while serving as Record Clerk in the Keelakarai Town Panchayat Office on 23.10.2002, a criminal case was registered by the Deputy Superintendent of Police, Vigilance and Anticorruption, Ramanathapuram in Crime No.3 of 2002 for offence under Section 7 of the Prevention of Corruption Act with an allegation that the petitioner has demanded and received a sum of Rs.1,120/- (Rupees One Thousand One Hundred and Twenty only) as illegal gratification for issuing an order in respect of building plan. Subsequently, the case was taken up for hearing before the learned Chief Judicial Magistrate, Ramanathapuram in Special C.C.No.6 of 2004 and the petitioner was convicted with punishment of one year rigorous imprisonment on various charges on 18.12.2008.

4.Pursuant to the conviction order passed by the learned Chief Judicial Magistrate, the Executive Officer, Kamuthi, Ramanathapuram District, exercising the power under Rule 4(2) of the Tamil Nadu Town Panchayat Establishment (Punishment & Appeal) Rules 1988, removed the petitioner from service vide his proceedings dated 24.03.2009. Since the order of conviction and sentence imposed by the learned Chief Judicial Magistrate, Ramanathapuram in C.C.No.6 of 2004 dated 18.12.2008 was reversed by this Court in CrI.A.(MD)No.4 of 2009 dated 06.06.2017, by setting aside the judgment passed by the learned Chief Judicial Magistrate, Ramanathapuram, the petitioner is entitled to be reinstated in service with consequential benefits. The petitioner has also given a representation on 30.06.2017. Since, the said representation is pending consideration, the petitioner is before this Court with the present writ petition.

5.Mr.R.Karthikeyan, learned Additional Government Pleader, who takes notice for the respondents, submitted that the pending representation of the petitioner shall be considered on merits.

6.Recording the statement made by the learned Additional Government Pleader, the third respondent is hereby directed to consider the representation of the petitioner dated 30.06.2017, in the light of the judgment passed by this Court in CrI.A.(MD)No.4 of 2009, dated 06.06.2017, on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

7.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(AE)



To

1. The Director,
Directorate of Town Panchayat,
Kuralagam,
Chennai.
2. The Assistant Director,
Town Panchayat Regional Office,
Sivagangai.
3. The Executive Officer,
Town Panchayat Office,
Kamuthi,
Ramanathapuram District.

+1cc to Mr.D.Sasikumar, Advocate Sr.No.79558
+1cc to Spl.Government Pleader Sr.No.79854

MRN/MR

VB/SV/MMS/SAR1/13/10/2017/3P/6C

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