

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.07.2018
CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.29688 and 29692 of 2017

Rupesh Shibu Dey ... Petitioner in W.P.No.
29688 of 2017

Bharat Singh Petitioner in W.P.No.
29692 of 2017

-vs-

- 1.Union of India rep.by the General Manager,
Ordnance Factory, Tiruchirappalli.
- 2.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai. Respondents in both the
W.Ps.

Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the orders passed by the second respondent in his proceedings in O.A.Nos.1843 and 1844 of 2016 respectively, dated 24.01.2017, quashing the same and to consequently directing the first respondent to reinstate the petitioners in the post of Dharwan.

For Petitioners :: Mr.S.P.Harikrishnan
For Respondents :: Mr.K.Balasubramanian for R1
R2 Tribunal

COMMON ORDER
(Made by HULUVADI G.RAMESH, J.)

The petitioners were appointed as Durwan on 20.04.2016 in the first respondent-Ordnance Factory and they were provided with quarters also. While so, they have been charged for offences under Sections 419, 420, 465, 468, 471 and 109 IPC and an FIR to that effect was filed against them in Crime No.277/2016 on the file of the KK Nagar Police Station, Chennai. Consequent to the same, they have been terminated from service and were directed to vacate the quarters, vide order dated 10.09.2016.

2.They filed an application before the second respondent Tribunal in O.A.No.1844 of 2016 praying to declare that the

order of termination passed by the Department against them is ab-initio null and void and to direct the Department to retain them in service as Durwan with all the monetary benefits for the period during which they have been denied salary. The Tribunal, while directing the Department to allow the petitioners to retain the quarters till 15.02.2017, closed the original application in respect of the contention as regards termination from service since criminal case is pending, and granted liberty to the petitioners to approach the Tribunal after the disposal of the criminal case. Challenging the said order, the petitioners are before this Court with these writ petitions.

3. When this matter was taken up, the learned counsel for the first respondent has submitted that the criminal case filed against the petitioners relates to impersonation, and the same is pending investigation. He further submitted that till the enquiry is completed and a report on the investigation is filed, the petitioners cannot be reinstated into service.

4. Heard both sides and perused the materials available on record.

5. It appears that it is a case of impersonation and the criminal case filed against the petitioners is pending investigation. It is true that unless a report is filed on the investigation, the question of reinstatement of the petitioners does not arise. The Tribunal has also granted liberty to approach the Tribunal after disposal of the criminal case. We are also of the view that the petitioners can very well approach the Tribunal once again if the enquiry report is filed and the criminal case is disposed of.

6. With the above observation, the writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

To

1. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.

+1cc to Mr.S.K.Mani, Advocate SR.No.47227

+2cc to Mr.V.BalaSubramanian, Advocate SR.No.46783

W.P.Nos.29688 and 29692 of 2017

PVS (CO)

SMI/10.08.2018

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