



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**W.P. (MD) No.2510 of 2018**

WEB COPY

M.Duraiaraj

... Petitioner

Vs.

The District Collector,
Pudukottai,
Pudukottai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the records pertaining the impugned order passed by the respondent in his proceedings in Na.Ka.No.A6/15104/2013 dated 05.01.2018 on the ground that the same is arbitrary and illegal and to quash the same and consequently direct the respondent to reinstate the petitioner in service with all attendant benefits.

For petitioner	: Mr. K.Prabhu
For Respondent	: Mr. M. Jeyakumar
	Additional Government Pleader

O R D E R

The petitioner was working as a Tahsildar in Revenue Department in Ponnamaravathi Taluk, Pudukottai District. He was found guilty in C.C.No.3 of 2014 on the file of the Chief Judicial Magistrate, Pudukottai and sentenced to six months rigorous imprisonment and to pay a sum of Rs.2000/- as fine. The case arises out of the Prevention of Corruption Act, 1988. Following the conviction, the respondent after giving notice to the petitioner, has dismissed him from service.

2.The said order is questioned by the writ petitioner on the ground that as against the judgment of conviction and sentence, he has filed an appeal and that he has got arguable points in the criminal appeal.

3.The learned counsel would also contend that an appeal being a continuation of the original proceedings, the respondent ought to await the outcome of the criminal appeal. This Court is unable to agree with the submission of the learned counsel for the petitioner. Once the petitioner has suffered a conviction at the hands of the competent Criminal Court, it is the duty of the employer to dismiss the employee from service, of course after giving proper notice. In this case, such a procedure has been complied with. There is absolutely no merit in this writ petition.



4.This writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Pudukottai,
Pudukottai District.

+1cc to Mr. K.Prabhu, Advocate SR.No.47508

+1cc to The Spl.Government Pleader SR.No.47443

PNN/SKM

VB/KKR/SAR4/19/03/2018/2P/4C

ORDER MADE IN
W.P. (MD) No.2510 of 2018
08.02.2018