

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.24410 of 2010

P.Subramani

.. Petitioner

Vs.

1. The Director of Public Health and Preventive
Medicine,
Teynampet, Chennai 600 006.

2. The Deputy Director of Health Services,
Krishnagiri.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 2nd respondent in proceeding Na.Ka.No.4760/A1/2004 dated 06.10.2004 and quash the same and consequently direct the respondents to reinstate the petitioner in service with full back wages and all other consequential service benefits.

For Petitioner : Mr.R.Premnarayan

For Respondents: Mrs.K.Bhuvaneswari

Additional Government Pleader

सत्यमेव जयते
O R D E R

The instant writ petition has been passed filed challenging the impugned order passed by the 2nd respondent in proceeding Na.Ka.No.4760/A1/2004 dated 06.10.2004 and consequently, seeking for a direction to the respondents to reinstate the petitioner in service, with full back wages and all other consequential service benefits.

2. The petitioner was working as a Pharmacist in Government Primary Health Centre at Meghanacinthagapally Village in Krishnagiri District. A Criminal case was registered against the petitioner in C.C.No.187 of 2002 before the Judicial Magistrate, Pochampally under Section 15(2) (b) and (3) of the Indian Medical Council Act and under Section 354 of I.P.C. The Trial Court convicted the petitioner vide Judgement dated 23.01.2004 by imposing a punishment of six months rigorous imprisonment and fine of Rs.1,000/- in

default, the petitioner shall undergo another imprisonment of 3 months.

3. Against the order passed of punishment, the petitioner preferred an Appeal in Criminal Appeal No.5 of 2005 before the Additional Sessions Judge, Krishnagiri. The Additional Sessions Judge, Krishnagiri had set aside the order of conviction and remanded the matter back to the Trial Court, granting the petitioner an opportunity to cross-examine the investigating officer.

4. This order was challenged by the petitioner in Crl.RC No.418 of 2008. This Court by an order dated 17.02.2010 dismissed the Crl. RC No.418 of 2008.

5. After the examination of the investigating officer, the learned Judicial Magistrate II, Poochampalli by its order dated 31.05.2010, upheld the conviction and convicted the petitioner for the offenses, he was charged.

6. Appeal was filed by the petitioner before the Additional Sessions Judge, Krishnagiri in Crl A.No.36 of 2010. The Appeal also dismissed.

7. The petitioner thereafter filed a revision petition in Crl RC No.1340 of 2012 before this Court and this Court by an order dated 27.03.2018 set aside the Judgement in Crl A.No.36 of 2012 and allowed the Revision petition. The petitioner was acquitted from all charges.

8. The petitioner, thereafter gave three representations dated 22.10.2018, 22.10.2018, 31.10.2018 to the respondent stating that since he has been acquitted in the criminal proceedings, he has to be reinstated in to service with all attendant benefits.

9. The instant writ petition has been filed by the petitioner challenging the initial order of termination from service, based on the order of conviction dated 23.01.2004. A perusal of the above mentioned facts would show that most of this events has occurred after the filing of the writ petition.

10. Heard the submissions of learned counsel for the petitioner and the learned counsel appearing for the respondents.

11. It is well settled that a High Court while exercising its jurisdiction under Section 226 of Constitution of India, can go into events that have happened subsequent to the filing of the writ petition. Taking into consideration the fact that the petitioner has been acquitted by the Trial Court vide order dated 27.03.2018, this Court directs the 1st respondent to consider the representations submitted by the

petitioner on 22.10.2018, 22.10.2018 and 31.10.2018 on merits and in accordance with law and pass necessary orders within a period of ten weeks from the date of receipt of copy of this order.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Rka

To

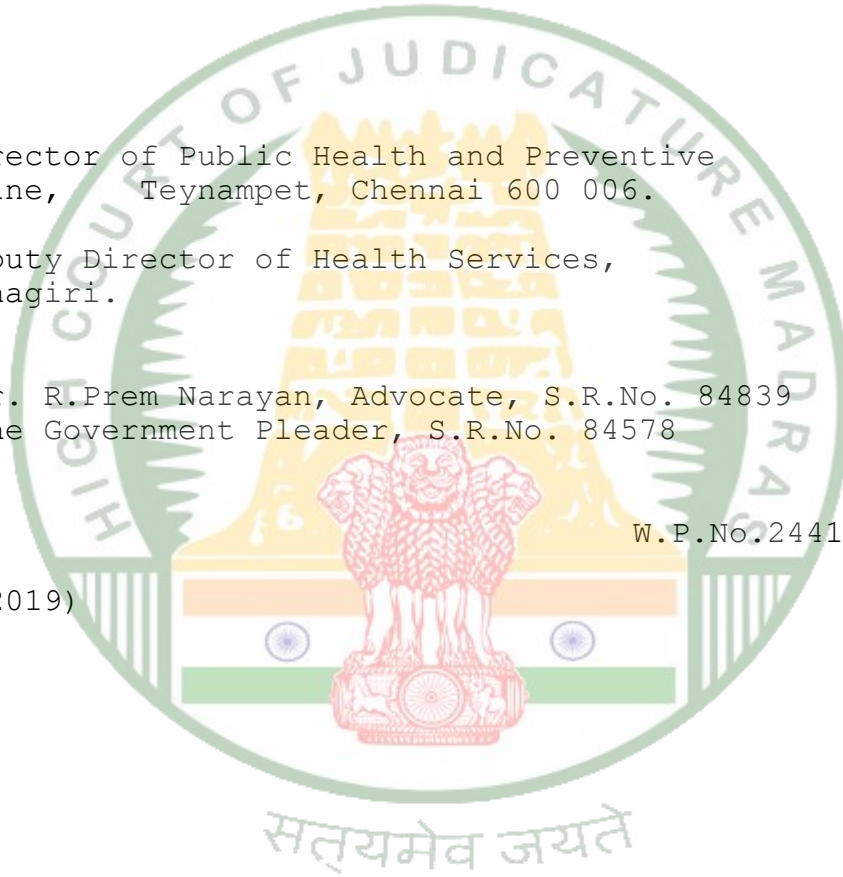
1. The Director of Public Health and Preventive Medicine, Teynampet, Chennai 600 006.
2. The Deputy Director of Health Services, Krishnagiri.

+1cc to Mr. R.Prem Narayan, Advocate, S.R.No. 84839

+1cc to the Government Pleader, S.R.No. 84578

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RSI (CO)
GN(21/11/2019)



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