

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24234 of 2019

K. Arumugam

..Petitioner

vs

1. The Director General
Highways Department
No.76, Sarthar Vallabai Patel Road
Guindy
Chennai- 600 025.

2. The Chief Engineering
Highways Department
Construction & Maintenance
No.76, Sarthar Vallabhai Patel Road,
Guindy
Chennai- 600 025.

3. The Divisional Engineer,
Highways Department
Construction & Maintenance
Mohanur Road
Namakkal- 637 001.

4. The Assistant Divisional Engineering
Highways Department
Senthamangalam
Namakkal District

5. The Assistant Engineer
Highways Department
Senthamangalam
Namakkal District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ or direction or orders more particularly in the nature of writ of Mandamus directing the 3rd respondent to consider the petitioner's representation dated 05.02.2018 within a stipulated time fixed by this Hon'ble Court and pass such further or other orders.

For Petitioner : Mr. P. Veeraraghavan

For Respondents : Mrs. R. Janaki, AGP

O R D E R

The petitioner filed this Writ Petition seeking direction to the 3rd respondent to consider the petitioner's representation dated 05.02.2018 within a stipulated time.

2. The case of the petitioner is that the petitioner was appointed as "Road Worker" by the third respondent on 29.10.1997. The petitioner worked as "Road Worker" in 5th respondent office, Senthamangalam, Namakkal District, since 05.11.1997. At the instigation of his neighbour Palaniammal wife of Seeangan lodged a false complaint against the petitioner alleging that the petitioner committed an offence under Section 363 and 376 (1) of I.P.C. In pursuant to the FIR filed, a charge sheet was filed and the matter was committed to trail before the Principal Secessions Judge at Namakkal. The petitioner was suspended from service on account of the FIR registered against him. The petitioner undergone a trial before the Principal Secessions Judge at Namakkal and as a result, he was convicted for the offence under Section 366 and 376 (1) of I.P.C. However this Court by order dated 27.07.2017 set aside the conviction order dated 04.02.2008 and the petitioner was acquitted from all the charges. Thereafter the petitioner made a representation dated 05.02.2018 seeking reinstatement of his service with monetary benefits but till date his representation is not considered by the 3rd respondent. Hence the present Writ Petition.

3. The learned counsel for the petitioner would submit that it would be suffice to issue direction the the third respondent to pass orders on the representation dated 06.07.2019 submitted by the petitioner on merits and in accordance with law within a reasonable time.

4. Mrs. Janaki, learned Additional Government Pleader appearing for the respondents conceded to the limited request made by the learned counsel for the petitioner.

5. Without expressing any opinion on the merits of the case and considering the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the third respondent to pass orders on representation dated

05.02.2018 submitted by the petitioner and pass orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. The petitioner to produce order copy for ready reference. No costs.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

mrn

To

1. The Director General
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Highways Department
Senthamangalam
Namakkal District

5. The Assistant Engineer
Highways Department
Senthamangalam
Namakkal District

+1 CC to Govt. Pleader sr 81140.

+1 CC to Mr.P. Veeraraghavan, Advocate sr 80815

W.P.No.24234 of 2019

PVS (CO)
SP(18/11/2019)