



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 5151 of 2019

M. Karuppiyah

... Petitioner

Vs

1. The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2. The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3. The District Collector,
Madurai District,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent i.e. the Principal Secretary to Government Revenue Department, Chennai to pass appropriate orders on the petitioner's representation dated 14.01.2019 in the light of acquittal by the Criminal Court and subsequent treating of the period of suspension as duty and allowing him to retire peacefully within a specified time frame that may be fixed by this Court.

For Petitioner : Mr. S. Visvalingam

For Respondents : Mr. V. Anand
Government Advocate

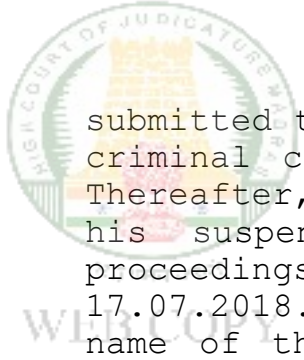
ORDER

This writ petition has been filed seeking a direction to the first respondent to pass appropriate orders on the petitioner's representation dated 14.01.2019, in the light of the order of acquittal passed by the Special Court for Vigilance Cases, Madurai in S.C.No.18 of 2011 and subsequent treating of the period of suspension as duty and allow the petitioner to retire peacefully.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel appearing for the petitioner



submitted that the petitioner was placed under suspension based on a criminal case and subsequently, the case was ended in acquittal. Thereafter, the petitioner was allowed to retire from service and his suspension period was also treated as duty as per the proceedings of the District Revenue Officer, Madurai, dated 17.07.2018. According to the learned counsel, due to suspension, the name of the petitioner was not included in the approved list of Deputy Tahsildar and Tahsildar and his pension has not been refixed. Hence, seeking notional promotion on par with his junior and refixation of pension in the said cadre, the petitioner made a representation dated 14.01.2019, stating the factum of acquittal and the subsequent treating of the suspension period as duty. Since the same has not been considered so far, the petitioner is before this Court.

4.The learned Government Advocate appearing for the respondents, on instructions, submitted that the petitioner's representation will be considered on merits and appropriate orders will be passed.

5.In such view of the matter, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 14.01.2019, in the light of the order of acquittal dated 25.04.2014 passed in S.C.No.18 of 2011 by the Special Court for Vigilance Cases, Madurai as well as the proceedings dated 17.07.2018 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

mj

To

1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.



2.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The District Collector,
Madurai District,
Madurai.

1 CC to M/s.S.VISVALINGAM, Advocate (SR-51630[F] dated 05/03/2019)

+1 CC to M/s.SPL GP (SR-52452[F] dated 07/03/2019)

W.P.(MD)No.5151 of 2019

DS/ /SAR- (26.03.2019) 3P 6C