



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.06.2019

CORAM:

THE HONOURABLE Mr. JUSTICE D. KRISHNAKUMAR
W.P. (MD) No. 12330 of 2018
and W.M.P. (MD) No. 11194 of 2018

WEB COPY

R. Kannathasan

.. Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Chennai - 10.

2. The Joint Registrar of Co-operative Societies,
Ramanathapuram, Ramanathapuram District.

3. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Ramanathapuram, Ramanathapuram District. .. Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the impugned order, dated 28.09.2017 under reference Rc.No.9366/2003/EM passed by the 2nd respondent and subsequently quash the same as illegal and arbitrary and consequently direct the respondents No.1 and 2 to reinstate the petitioner in to service as co-operative Registrar forthwith.

For Petitioner : Mr.A.Udhaya Kumar for
Mr.S.Palanivelayutham

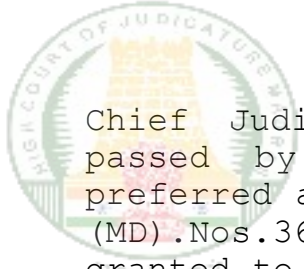
For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of writ of Certiorarified Mandamus to call for the impugned order, dated 28.09.2017, under reference Rc.No.9366/2003/EM, passed by the 2nd respondent and subsequently quash the same as illegal and arbitrary and consequently direct the respondents No.1 and 2 to reinstate the petitioner in to service as Co-operative Registrar, forthwith.

2. The petitioner has come forward with this writ petition challenging the impugned dismissal order passed under Rule 17(c)(i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal Rules).

3. The petitioner was charged under Section 120(b) r/w 167, 409, 467, 468, 471 r/w 467, 471, r/w 468, 477 and 420 of IPC and also 13(1)(c)(d) r/w 13(2) of Prevention of Corruption Act 1988 and a case was registered in Crime No.3 of 1996 and the same was taken on file in C.C.No.5 of 2005 on the file of the Chief Judicial Magistrate/Special Court, Ramanathapuram and was convicted by the



Chief Judicial Magistrate. Challenging the aforesaid judgment passed by the Chief Judicial Magistrate, the petitioner has preferred appeal before this Court and the same is pending in CrI.A (MD).Nos.364 and 365 of 2016 and suspension of sentence was also granted to this petitioner. In the mean time, due to the conviction imposed by the Chief Judicial Magistrate, the petitioner was dismissed from service by the Proceedings of the Joint Registrar of Co-operative Societies, Ramanathapuram. At this juncture, the petitioner has filed the present writ petition challenging the above said dismissal order.

4.The learned Additional Government Pleader would submit that the petitioner was convicted by the criminal court. Therefore, he was dismissed from the service. Therefore, the said order passed by the authority is prefect and valid. There is no necessary to interfere with the order passed by the authority. In view of the same, this Court is not inclined to entertain this petition.

5.At this juncture, the learned counsel for the petitioner seeks liberty to the petitioner to approach the authority for seeking reinstatement of service at later stage, subject to the outcome of the judgment passed in the aforesaid Criminal Appeal.

6.Accordingly, this writ petition is dismissed with above liberty. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Registrar of Co-operative Societies,
Chennai - 10.
- 2.The Joint Registrar of Co-operative Societies,
Ramanathapuram, Ramanathapuram District.
- 3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Ramanathapuram, Ramanathapuram District.

+1 CC to Mr.S.PALANI VELAYUTHAM, Advocate SR-71167.
+1 CC to SPL GP SR-70939.

W.P (MD) No.12330 of 2018
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