

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 23.07.2019****CORAM****THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR****W.P. (MD).No.13347 of 2019**

S. Selvaraj

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Fort. St. George,
Chennai - 600 009.

2.The Commissioner of Commercial Tax,
Commercial Taxes Department,
Chepauk, Chennai - 600 005.

..Respondents

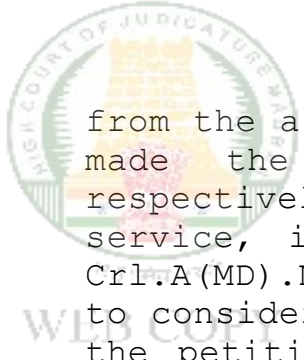
PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to reinstate the petitioner into service with all consequential monetary and other attendant service benefits including terminal benefits in the light of the Judgment of acquittal passed in Criminal Appeal (MD).No.145 of 2010, dated 02.11.2018 within a stipulated time that may be fixed by this Court.

For Petitioner	: Mr. R. Karunanithi
For Respondents	: Mr. A. Muthukaruppan Additional Government Pleader

O R D E R

This Writ Petition has been filed for issuing a direction to the respondents 1 and 2 to reinstate the petitioner into service with all consequential monetary and other attendant service benefits including terminal benefits in the light of the Judgment of acquittal passed in Criminal Appeal (MD).No.145 of 2010, dated 02.11.2018 within a time frame to be fixed by this Court.

2. According to the petitioner, a Criminal case was registered against him in Crime No. 6 of 2005, for the offence under Section 7 of Prevention of Corruption Act, 1988, and thereafter, a charge sheet has been filed and the same was taken on file in Spl.C.C.No.5 of 2006, on the file of the Chief Judicial Magistrate and Special Court for Corruption cases, Srivilliputur. The petitioner was found guilty by the trial Court and he was convicted in the aforesaid Criminal case. Challenging the aforesaid conviction, the petitioner preferred an appeal in Criminal Appeal (MD).No. 145 of 2010 and this Court by order, dated 02.11.2018, set aside the Judgment passed by the trial Court and the said appeal was allowed by acquitting the petitioner



from the aforesaid criminal case. Thereafter, the petitioner has made the representations, dated 01.01.2019 and 02.05.2019 respectively to the respondents to reinstate the petitioner into service, in the light of the Judgment passed by this Court in CrI.A(MD).No. 145 of 2010, but, the respondents have not chosen to consider the aforesaid representations. In such circumstances, the petitioner has filed the present Writ Petition before this Court.

3. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner's representations will be considered by the respondents and appropriate orders will be passed by taking note of the Judgment passed by this Court in CrI.A(MD).No. 145 of 2010, dated 02.11.2018.

4. By considering the submissions made by the learned counsel on either side, this Court, without expressing any opinion on merits of the case, directs the first respondent to consider the representations of the petitioner, dated 01.01.2019 and 02.05.2019 respectively, by taking note of the Judgment passed by this Court in Criminal Appeal (MD).No. 145 of 2010, dated 02.11.2018, and pass appropriate orders on merits and in accordance with law, as expeditiously as possible in any event not later than twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Fort. St. George,
Chennai - 600 009.

2.The Commissioner of Commercial Tax,
Commercial Taxes Department,
Chepauk, Chennai - 600 005.

+1CC to SPL.GP. SR.No.77285.

+1CC to Mr.R.Karunanidhi, SR.No.77071.

W.P. (MD) .No.13347 of 2019

23.07.2019