

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM**W.P. (MD) No. 2187 of 2015****and****M.P. (MD) .No.1 of 2015**

S.Renganathan

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam,
Chennai-1.

2.The Assistant Director,
Khadi and Village Industries,
Dindigul.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order bearing Na.Ka.No.22473/2000/E4(1) dated 16.12.2014 passed by the first respondent and quash the same.

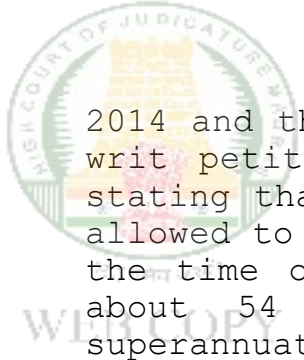
For Petitioner : Mr.S.Anwar Sameem
For R1 & R2 : Mr.G.Karnan

ORDER

The order of termination dated 16.12.2014 terminating the service of the writ petitioner on the ground that he was convicted by the Competent Criminal Court of law is under challenge in the present writ petition.

2.The writ petitioner joined in the respondent Board during the year 1985 as Assistant Grade-III and promoted to the post of Assistant Grade-II. On account of the allegation of misappropriation of funds of the Board, a criminal case was registered against the writ petitioner and he was convicted by the Competent Criminal Court of law. Based on the conviction, the competent authority initiated action and by issuing a show cause notice that the writ petitioner was terminated from service. In the event of conviction by the criminal Court, the employer must issue a show cause notice to the employee concerned and on receipt of explanation, an order of termination can be passed. However, in the present case, the procedure has been followed and there is no infirmity as such.

3.The learned counsel for the writ petitioner states that the writ petitioner filed a criminal appeal in CrI.A.Nos.150 to 161 of



2014 and the said criminal appeals are pending as of now. Thus, the writ petitioner is constrained to move the present writ petition stating that during the pendency of the criminal appeal, he must be allowed to continue in service. It is pertinent to note that even at the time of filing of the writ petition, the petitioner was aged about 54 years and now, he would be crossed the age of superannuation.

4.This apart, mere pendency of the criminal appeal is not a ground to seek reinstatement or continuance in service. Once a public servant is convicted by the competent criminal court of law, unless the conviction is stayed by the Court, he is not entitled to continue in service. Thus, the decision of the authorities in this regard are in consonance with the legal principles settled and there is no infirmity as such. However, it is made clear that in the event of acquittal in the criminal appeal, the writ petitioner is at liberty to approach the competent authority to redress his grievances, if any.

5.Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam,
Chennai-1.
2. The Assistant Director,
Khadi and Village Industries,
Dindigul.

+1 CC to Mr.G.KARNAN, Advocate (SR-79165[F] dated 01/08/2019)

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and
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NS

MK (14.08.2019) 2P 4C