



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.23519 of 2015

and

M.P.(MD) No.1 of 2015

Veerasamy

... Petitioner

vs.

1.The District Collector
Collectorate Campus
Sivagangai District

2.The Regional Transport Officer
Office of the Regional Transport Officer
Sivagangai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the Impugned Order passed by the 1st respondent in his Proceedings No.Pa.Mu.A2-23763-2008, dated 20.10.2014 and quash the same as illegal and consequently direct the 1st respondent to reinstate the petitioner as Junior Assistant in the 2nd Respondent's Office.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.D.Muruganandham
Additional Government Pleader

O R D E R

The order of termination, dated 20.10.2014, passed by the first respondent, which is impugned in the present writ petition, states that the writ petitioner was terminated from service on account of the conviction imposed against him in Crime No.2 of 2008, on the file of the Vigilance and Anti Corruption Wing, Sivagangai, with reference to the allegations of demand and acceptance of bribe. The writ petitioner was appointed due to the strike period and he was appointed as Junior Assistant on temporary basis, as per the the Government Order in G.O.(Ms) No.85, Personnel & Administrative Reforms (G) Department, dated 04.07.2003. The writ petitioner was posted as Junior Assistant in the District Project Office of Sivagangai and subsequently, he was transferred to the Regional



Transport Office at Sivagangai. The writ petitioner was continuing as temporary employee in the cadre of Junior Assistant. However, on the allegation of demand and acceptance of bribe, the Department of Vigilance and Anti-Corruption, Sivagangai, registered a case in Crime No.2 of 2008, under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988. The writ petitioner faced the criminal trial and the Trial Court convicted the writ petitioner. Based on the Judgment, the writ petitioner was terminated from service, after issuing a show-cause notice on 08.09.2014. The writ petitioner submitted an explanation on 15.09.2014 in respect of the show-cause notice issued. Thus, the procedures contemplated under Rule 17(c) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, were followed in the case of the writ petitioner and there is no infirmity as such in the procedures followed for the purpose of passing the impugned order of termination.

2. The learned counsel for the writ petitioner states that the writ petitioner preferred a criminal appeal, which is pending before this Court. In the event of acquittal in the criminal case, it is left open to the writ petitioner to approach the competent authority for the purpose of considering his case. It is made clear that the writ petitioner was serving as a temporary employee even at the time of termination from service and all these aspects are to be taken into consideration, even in case the writ petitioner is acquitted and application is made. However, the fact remains that the writ petitioner was convicted for the offence punishable under the provisions of the Prevention of Corruption Act. Thus, no leniency or misplaced sympathy is to be shown to the writ petitioner, even in case the writ petitioner is acquitted in the criminal case.

3. It is to be noted that even when the writ petitioner was appointed during strike period and working as temporary employee, involved in the allegations of corruption and convicted under the provisions of the Prevention of Corruption Act. This being the factum, the writ petitioner is not entitled for any relief as such sought for in the present writ petition.

4. Accordingly, the impugned order of termination, dated 20.10.2014, passed by the first respondent, stands confirmed and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To:

1.The District Collector,
Collectorate Campus,
Sivagangai District.

2.The Regional Transport Officer,
Office of the Regional Transport Officer,
Sivagangai District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-79729[F] dated 05/08/2019)

+1 CC to M/s.SPL GP (SR-79778[F] dated 05/08/2019)

W.P. (MD) No.23519 of 2015
and

M.P. (MD) No.1 of 2015
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