



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20076 of 2017

WEB COPY

R.Arumugam

... Petitioner

-Vs-

1. State of Tamil Nadu,
Represented by its Chief Engineer (General),
Highways Department, Chennai.

2. The Divisional Engineer,
O/o. The Divisional Engineer (Highways),
Highways Department, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.2 to reinstate the petitioner in the post of Gang Mazdoor in pursuance to the proceedings in Na.Ka.No.1891/2008/A2, dated 07.06.2017 on the file of the respondent No.2 within the time period stipulated by this Court.

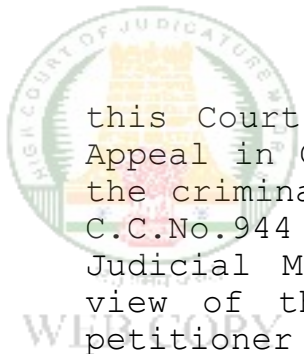
For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

Heard Mr.T.Lajapathi Roy, learned counsel appearing on behalf of the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing on behalf of the respondents.

2.This Writ Petition is filed for a direction to the second respondent to reinstate the petitioner in the post of Gang Mazdoor, in pursuance to the proceedings of the second respondent, dated 07.06.2017.

3.According to the petitioner, he was appointed as Gang Mazdoor in the second respondent Department in the year 1992. While so, the petitioner was convicted in the criminal case in S.C.No.44 of 2010 and S.C.No.54 of 2011, on the file of the learned Sessions Judge, Karur. Against which, the petitioner filed appeals before this Court in CrI.A.(MD)Nos.93 of 2011 and 73 of 2012. This Court, by the judgment dated 27.02.2013, allowed the Criminal Appeal in CrI.A.(MD)No.93 of 2011 and acquitted the petitioner from the criminal case in S.C.No.44 of 2010. However, the second respondent dismissed the petitioner from service on 16.05.2013. Subsequently,



this Court, by the judgment dated 27.11.2013 allowed the Criminal Appeal in Crl.A.(MD)No.73 of 2012 and acquitted the petitioner from the criminal case in S.C.No.54 of 2011. The third criminal case in C.C.No.944 of 2009 has been ended in acquittal by the learned Judicial Magistrate No.II, Karur, by order dated 06.04.2016. In view of the acquittal from the above three criminal cases, the petitioner has sent a detailed representation, dated 31.01.2017, enclosing the judgments to the respondents. However, the respondents have not passed any order. Hence the petitioner has come out with the present Writ Petition.

4.The learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioner has not enclosed the judgments passed in the three criminal cases. The petitioner may be directed to send a fresh representation, enclosing the judgments passed in the criminal cases and the same will be considered.

5.Considering the rival submissions made on either side, this Court directs the petitioner to make a fresh representation, enclosing the judgments passed in the criminal cases, to the respondents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the representation to be submitted by the petitioner on merits and pass orders in accordance with law, within a period of eight weeks thereafter.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Chief Engineer (General),
State of Tamil Nadu,
Highways Department, Chennai.
- 2.The Divisional Engineer,
O/o. The Divisional Engineer (Highways),
Highways Department, Karur District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-87705[F] dated 19/09/2019)



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+1 CC to SPL GP (SR-87958[F] dated 19/09/2019)

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