



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WP(MD).Nos.18574 of 2013 and 208 of 2016 and
MP(MD).No. 1 of 2014 in WP(MD).No.18574 of 2013

WEB COPY

A. Sankaralingam : Petitioner in both W.Ps.

Vs.

1.The Assistant Director
Land Survey and Registration Department,
O/o.The District Collector,
Tiruchirapalli.

2.The Additional Director,
Survey and Registration Department,
O/o.The District Collector,
Tiruchirapalli.

: Respondents in both W.Ps.

Prayer in WP(MD).No.18574 of 2013: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 24.05.2013 and to regularize his period of suspension from 10.05.2005 to 07.06.2010 with all attendant benefits and promotion to which the petitioner is entitled to during the relevant period of time.

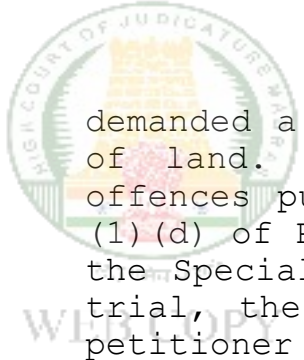
Prayer in WP(MD).No.208 of 2016: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the representation dated 12.11.2015 to the petitioner and forthwith grant the promotions increments, arrears of salary etc., with effect from 10.05.2005 with all attendant benefits.

For Petitioner	: Mr.J. Anandkumar in both W.Ps. for M/s. A.L. Gandhimathi
For Respondents	: Mr. Aayiram K. Selvakumar Additional Government Pleader in both W.Ps.

ORDER

These Writ Petitions have been filed for issuing a Writ of Mandamus directing the the respondents to consider the representations of the petitioner dated 24.05.2013 and 12.11.2015 respectively.

2. According to the petitioner, that the criminal case has been registered against him, while he was in service, on 10.05.2005,



demanded a sum of Rs.1,000/- as bribe for issuing a copy of sketch of land. The aforesaid criminal case was registered for the offences punishable under Section 7 and Section 13(2) r/w. Sec. 13 (1) (d) of Prevention of Corruption Act and the same was tried before the Special Court for trial cases in S.C.No.3 of 2011. After the trial, the criminal case was ended in acquittal in favour of the petitioner on 14.09.2012. Before passing order in the said Criminal case, the respondents have initiated departmental proceedings against the petitioner for the offences punishable under Sections 17 (b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules. In such circumstances, the petitioner has made a representation, dated 24.05.2013 to the respondents to regularize his period of suspension from 10.05.2005 to 07.06.2010 with all attendant benefits and promotion, by considering his representation dated 24.05.2013, but, the same was not considered so far. Hence, the petitioner has filed WP(MD).No.18574 of 2013, before this Court. While the said Writ Petition was pending, the petitioner has also given another representation dated 12.11.2015 to the respondents for the very same relief and the same has also not been considered. Therefore, the petitioner has filed another Writ Petition in WP(MD).No.208 of 2016.

3. Heard the learned counsel appearing for the petitioner.

4. The learned Additional Government Pleader appearing for the respondents would submit that since the criminal proceedings against the petitioner was ended acquittal, there is no embargo to consider the representation of the petitioner dated 24.05.2013 seeking to regularize the period of suspension from 10.05.2005 to 07.06.2010.

5. By considering the limited scope of the prayer, this Court without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 24.05.2013, by taking note of the Judgment passed by the Special Court for trial of cases under Prevention of Corruption Act, in S.C.No.3 of 2011, and pass appropriate orders on merits and in accordance with law, as expeditiously as possible in any event not later than twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, W.P(MD).No.18574 of 2013 is disposed of. In view of the order passed in the said Writ Petition, W.P(MD).No.208 of 2016 is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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To

1. The Assistant Director
Land Survey and Registration Department,
O/o.The District Collector,
Tiruchirapalli.

2. The Additional Director,
Survey and Registration Department,
O/o.The District Collector,
Tiruchirapalli.

+1 CC to SPL GP (SR-67839[F] dated 11/06/2019)

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trp

MK (02.07.2019) 3P 4C