

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.22902 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an order or direction more particularly one in the nature of Writ of Mandamus to declare the impugned orders vide Rc.No.4627/ 2016/ S4, dated 11/01/2019 issued by the 4th respondent wherein dismissing the petitioner from service without conducting any enquiry and without giving any notice and opportunity is illegal, arbitrary and unconstitutional apart from violative of principles of natural justice and set aside the same with a consequential direction to the respondents to consider the claim of the petitioner for reinstatement into service in view of acquittal in criminal case in C.C.No.565 of 2016 dated 06/03/2019 with all consequential benefits....”.

Heard Mr.A.Ravinder, learned counsel for the petitioner and learned Government Pleader for Services-I.

It has been contended by the petitioner that he was initially appointed as Chowkidar and thereafter promoted to the post of Forest Section Officer and he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. While so, the 4th respondent issued proceedings dated 27.05.2016 dismissing the petitioner from service on the ground that he was involved in a criminal case. The competent criminal Court was pleased to acquit the petitioner vide judgment dated 06.03.2019 in C.C.No.565 of 2016. In view of acquittal in criminal case, the petitioner has submitted representation/appeal to the 3rd respondent on 30.07.2019 requesting to consider his case for reinstatement with all consequential benefits. So far, the 3rd respondent has not passed

any orders on the said representation/appeal nor considered the case of the petitioner for reinstatement into service.

Learned counsel for the petitioner has contended that appropriate orders be passed in the writ petition directing the 3rd respondent to consider the representation/appeal submitted by the petitioner on 30.07.2019 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for respondents has contended that in view of acquittal given by the competent criminal court, the 3rd respondent would consider the case of the petitioner and appropriate orders would be passed on the representation/appeal submitted by the petitioner on 30.07.2019.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the 3rd respondent to consider the representation/appeal submitted by the petitioner on 30.07.2019 by duly considering the fact that the petitioner was acquitted by the competent criminal court and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 21-10-2019
Prv

