

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 16725 of 2007
(O.A.No.3171 of 2003)

K.Tamil Selvam

...Petitioner

Versus

1. The District Revenue Officer,
Dharmapuri, Dharmapuri District.

2. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

....Respondent

PRAYER: Originally this petition has been filed as Original Application No.3171 of 2003 before the Tamilnadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.16725 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in Mu.Mu.No.101207/2002/A5 dated 07.01.2003 confirming the order of the second respondent in Roc.7843/93/A3 dated 24.10.2001 and quash the same and direct the respondents to reappoint the Applicant as Village Administrative Officer in terms of the provisions of G.O.Ms.No.436, Home (Prison-B) Department dated 12.03.1991.

For Petitioner : No appearance

For Respondents : Mr.K.Magesh
Special Government Pleader

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O R D E R

This Writ Petition has been filed challenging the order passed by the first respondent in Mu.Mu.No.101207/2002/A5 dated 07.01.2003 confirming the order of the second respondent in Roc.7843/93/A3 dated 24.10.2001 and quash the same and direct the respondents to reappoint the Applicant as Village Administrative Officer in terms of the provisions of G.O.Ms.No.436, Home (Prison-B) Department dated 12.03.1991.

2. When the matter was taken up today, none appeared on behalf of the petitioner.

3. The learned Special Government Pleader appearing for the respondents would submit that the petitioner was working as Village Administrative Officer and subsequently, a case was registered under Prevention of Corruption Act, based on which, he was arrested and subsequently released on bail. Thereafter, a final report was filed by the police and the same was taken on file in C.C.No.29/91 before Chief Judicial Magistrate, Krishnagiri, dated 24.09.1993 for the offences under sections 7, 13 (1) (d) read with 13(2) of Prevention of Corruption Act. Further, the petitioner was convicted and sentenced to undergo rigorous imprisonment for one year for each count. Thereafter, the petitioner filed Appeal before this Court in C.A.No.589/93 and the same was dismissed on 23.07.2001, pursuant to which, was removed from the service. The petitioner relied on G.O.Ms.No.436, Home (Prison-B) Department dated 12.3.1991 in which, the Government had extended certain concessions and benefits to ex-prisoners in the matter of re-appointment and employment in the Government service. However, the Appellate Authority namely, The District Revenue Officer, Dharmapuri (the first respondent herein) has issued an order in Mu.Mu.No.101207/2002/A5 dated 07.01.2003.

4. The learned counsel further submitted that the G.O.Ms.No.436, Home (Prison-B) Department dated 12.3.1991 will not be applicable to the petitioner and the petitioner was convicted in the Prevention of Corruption Act. Therefore, the said Government Order cannot be made applicable to the relief sought for in the Writ Petition and the same may be dismissed.

5. Heard the learned Special Government Pleader and perused the materials available on record.

6. It is seen that the petitioner was working as Village Administrative Officer. Subsequently, a case was registered against him under the Prevention of Corruption Act, due to which, he was convicted in C.C.No.29/91 on the file of the Chief Judicial Magistrate, Krishnagiri, and sentenced to undergo Rigorous Imprisonment for one year for each count. Therefore, the petitioner filed an appeal before this Court in C.A.No.589/93 and this Court also dismissed the said Appeal on 23.07.2001. Therefore, he was removed from the service. Though, the petitioner relied on G.O.Ms.No.436, Home (Prison-B) Department dated 12.3.1991, the said Government Order is applicable only to the ex-prisoners who were convicted for petty offences and undergone the punishment. But, the petitioner was convicted under the Prevention of Corruption Act and the

punishment for the offence is more than two years. Therefore, considering the facts in G.O.Ms.No.436, Home (Prison-B) Department dated 12.3.1991 is not applicable to the present petitioner, the petitioner is not entitled to get the benefits of the G.O. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

To

1. The District Revenue Officer,
Dharmapuri, Dharmapuri District.
2. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

+1cc to the Government Pleader, Sr.No.35200

W.P. 16725 of 2007

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