

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 9094 of 2006

K.Krishnamoorthy (deceased) S/o.Kannan

P2.Mangalakshmi

P3.Sathiyamoorthy

P4.Rukamani

(P2 to P4 are substituted as Lrs.)

... Petitioners

Versus

The District Collector
Rural Development Department,
Villupuram,
Villupuram District.

... Respondent

PRAYER: 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 of the respondent in Roc.No.12513/2005/PA5, dt.01.03.2006 and quash the same and consequently direct the respondent to reinstate the petitioner in service.

For Petitioners : Mr.L.ChandraKumar

For R1 to R3 : Mr.K.Magesh

Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the order passed by the respondent in Roc.No.12513/2005/PA5, dated 01.03.2006 and quash the same and also direct the respondent to reinstate the petitioner in service.

2. The learned counsel for the petitioner would submit that the petitioner was working as Junior Assistant in Rural Welfare Department. At that time, he was involved in criminal cases and therefore, subsequently, he was removed from service. He was convicted in Spl.Case No.05 of 2019 dated 13.09.2005. Thereafter, the petitioner filed Criminal Appeal in Crl.A.No.835 of 2005 before the learned Sessions Judge. During the pendency of the criminal appeal, the petitioner died.

Therefore, the Criminal Appeal was dismissed as abated. Subsequently, the Legal heirs of the petitioner, now the petitioners 2 to 4 herein filed application before the Appellate Court and subsequently got acquittal. The learned counsel therefore submits that since the deceased/first petitioner got acquittal from the Criminal Case in Spl.Case No.05 of 1999, this petition may be dismissed as abated.

3.Heard and perused the materials available on record.

4.Heard the learned Special Government Pleader appearing for the respondent.

5. Considering the facts and circumstances of the case and that the original petitioner himself died and also even at the time of filing this Writ Petition, he was 54 years. Therefore, reinstatement of the petitioner in service will not arise. However, since he got acquittal and the criminal appeal was allowed and during the pendency of criminal case, the first petitioner/deceased was died, the petitioners 2 to 4 are entitled to get all the benefits in accordance with law. Accordingly, the respondent is directed to extend all the eligible benefits to the legal heirs of the deceased/first petitioner herein.

6. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The District Collector
Rural Development Department,
Villupuram,
Villupuram District.

+1cc to Mr.L.ChandraKumar, Advocate, Sr.No.34926
+1cc to the Government Pleader, Sr.No.35054

W.P. 9094 of 2006

ln (co)
rr ii (02/12/2020)