

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN, J.

W.P. No.14380 of 2007

G.Vaidhyanathan,
Village Administrative Officer,
Voyalogam Village,
Ilupur Taluk,
Pudukottai District.

.. Petitioner

versus

Sub Collector,
Pudukottai.

.. Respondent

Prayer: This Writ Petition came to be numbered under Article 226 of the Constitution of India by way of transfer of O.A. No.3491 of 2003 from the file of the Tamil Nadu Administrative Tribunal with a prayer to call for the records connected with the dismissal order issued in RC.A3/2108/1999 dated 10.09.2003 on the file of the Sub Collector, Pudukottai and to set aside the same; and to direct the respondent to reinstate the applicant into service.

For petitioner : Mr.S. Elamvaludhi

For respondent : Mr. P.Chinnadurai, A.G.P.

ORDER

The petitioner has filed O.A.No.3491 of 2003 before the Tamil Nadu Administrative Tribunal challenging the show cause notice dated 10.09.2003 issued to him by the Sub-Collector, Pudukottai and for consequentil direction to reinstate him in service.

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2. Originally, the petitioner has filed an application before the Administrative Tribunal in O.A.No.3491 of 2003. After abolition of the said Administrative Tribunal, the said Original Application was transferred to this Court and this Court has taken the application as writ petition and renumbered as W.P.No.14380 of 2007.

3.The petitioner was working as Village Administrative Officer in Voyalogam Village, Iluppur Taluk, Pudukottai District. During the course of his service on the basis of the complaint lodged by one Sathappan complaining that the petitioner has demanded a sum of Rs.1050/- as illegal gratification for issuing a ownership certificate, the Vigilance and Anti corruption Wing, Trichirappalli, laid a Trap against the petitioner. Accordingly, when the petitioner accepted the amount from the defacto complainant, he was arrested and remanded to Judicial Custody in Crime No.3 of 1999. Subsequently, after completing investigation, charge sheet was filed and it was taken on file in Spl.C.C.No.2 of 2000 by the learned Chief Judicial Magistrate, Pudukkottai for the offences under Sections 7, 13(2) r/w. 13(1)(d) of Prevention of Corruption Act 1988. After trial, it was held that charge against the petitioner was proved by the prosecution beyond reasonable doubt . Therefore, by a judgment dated 28.07.2003, the petitioner was convicted and sentenced to under go imprisonment.

4. On the basis of the judgment of conviction and sentence passed in the criminal case, the respondent herein has issued the impugned show cause notice dated 17.08.2003 calling upon the petitioner to show cause as to why he should not be dismissed from service for violation of Rule 19(2) of Government Servants Conduct Rules. The petitioner did not respond to the show cause notice, dated 17.08.2003 and therefore, by the impugned order dated 10.09.2003, the petitioner was dismissed from service. Challenging the order of dismissal, the present writ petition has been filed.

5. The learned Special Government Pleader appearing for the respondent would submit that as against the judgment of conviction dated 28.07.2003, passed in Spl.C.C.No.2 of 2000, the petitioner has filed a Criminal Appeal before the Madurai Bench of Madras High Court in Crl.A.No.1181 of 2003 and the Criminal Appeal was also dismissed by confirming the judgment of conviction passed by the trial Court. He would further submit that the petitioner has already undergone the period of sentence and hence, the order of dismissal passed by the respondent is in accordance with law and it calls for no interference by this

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Court.

6. Heard both sides and perused the materials available on records.

7. The petitioner, Village Administrative Officer, was convicted and sentenced by the learned Chief Judicial Magistrate, Pudukottai after full fledged trial. Such conviction and sentence imposed on the petitioner was also confirmed by this Court in Crl.A.No.1181 of 2003. In the meantime, based on the judgment of the learned Chief Judicial Magistrate, Pudukottai, show cause notice was issued to the petitioner calling upon him to show cause as to why he should not be dismissed from service. In spite of receipt of the show cause notice, the petitioner did not submit any reply. Therefore, the respondent has passed the punishment of dismissal from service taking note of the conviction and sentence imposed on the petitioner by the learned Chief Judicial Magistrate Pudukottai. Subsequently, the said judgment of conviction was also confirmed by this Court and the applicant has filed SLP before the Supreme Court and the Supreme Court also dismissed the SLP.Crl.No.7609/2009 modifying the sentence alone. However, the conviction was confirmed by the judgment dated 26.03.2020. Further, the applicant has already undergone the imprisonment imposed on him. In such circumstances, this Court finds that there is no infirmity in the order of dismissal passed by the respondent herein and it does not warrant any interference by this Court.

8. Accordingly, the Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp
To

1. The Chief Judicial Magistrate, Pudukottai

2. The Sub Collector, Pudukottai.

+1cc to the Government Pleader SR.35206

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