



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.4389 of 2020

Immaculate Mercy

Petitioner

Vs

1. The Principal Secretary to Government,
Home (Tr II-A),
Secretariat,
Chennai - 600 009.

2. The Special Commissioner and
Transport Commissioner,
Chepauk,
Chennai -5

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 22.02.2020, within a time frame fixed by this Court.

For Petitioner : M/S.N. Juliet Latha

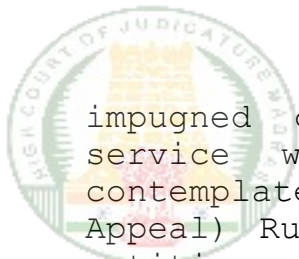
For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader

O R D E R

The Writ Petition is filed to direct the respondents to consider the petitioner's representation dated 22.02.2020.

2. By consent of both parties, the Writ Petition is taken up for final hearing at the stage of admission itself.

3. The case of the petitioner is that while she was working as Junior Assistant in the Trichy Mannarpuram Regional Transport Office, she was issued with a charge memo, under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, alleging misappropriation of funds to the tune of Rs.9,94,990/-. Besides the departmental action, criminal case also registered. The grievance of the petitioner is that though the petitioner has denied the charges,



impugned order dated 20.06.2008, removing the petitioner from service was passed, even without conducting an enquiry as contemplated under the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Appeal against the impugned order preferred by the petitioner also been rejected by order dated 17.12.2011. The criminal case initiated against the petitioner in CC No.166 of 2008, before the Judicial Magistrate No.II, Trichy was ended in acquittal on 02.07.2018. The petitioner has given another representation dated 15.10.2018 enclosing the acquittal order in criminal case to the 2nd respondent, which was not considered so far. Hence, the petitioner is before this Court with this present Writ Petition.

4. Considering the limited scope of the prayer in the Writ Petition, there shall be a direction to the respondents to consider the petitioner's representation dated 22.02.2020 and pass appropriate orders in accordance with law and considering the acquittal order in criminal case, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to state that the petitioner shall enclose a copy of this order along with her representation as well as the acquittal order passed in CC No.166 of 2008 to the respondents.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to Government,
Home (Tr II-A), Secretariat,
Chennai - 600 009.

2. The Special Commissioner and
Transport Commissioner, Chepauk,
Chennai -5.

+1 CC to M/s.N.JULIET LATHA, Advocate (SR-10598[F]

+1 CC to M/s.Special Government Pleader (SR-11068[F]

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