



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.03.2020**

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P(MD)No.5129 of 2020

S.Karunakaran

.. Petitioner

Vs.

1.The Director of Rural Development-cum-
Commissioner of Rural Development & Panchayatraj,
Panagal Building,
Saidapet,
Chennai.

2.The District Collector,
Collectorate Campus,
Pudukottai District.

.. Respondents

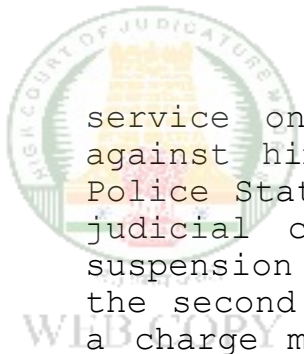
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to regularize the petitioner's suspension period from 21.05.2001 to 01.02.2008 and to include the name of the petitioner in the panel for the post of Block Development Officer for the year 2020-2021 and promote the petitioner as Block Development Officer since he is eligible to be promoted as Block Development Officer from the year March, 2018 as per the representation made by the petitioner dated 20.05.2019 and 01.11.2019.

For Petitioners	: Mr.K.C.Ramalingam
For Respondents	: Mr.M.Rajarajan
	Government Advocate

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus, directing the respondents to regularize the petitioner's suspension period from 21.05.2001 to 01.02.2008 and to include the name of the petitioner in the panel for the post of Block Development Officer for the year 2020-2021 and to promote the petitioner as Block Development Officer, since he is eligible to be promoted as Block Development Officer from the year March, 2018 as per the representations made by the petitioner dated 20.05.2019 and 01.11.2019.

2.The case of the petitioner is that he was appointed as Junior Assistant on 09.02.1993 and joined as Junior Assistant in Kandharvakottai Panchayat Union, Pudukottai District and subsequently, he was promoted as Rural Welfare Officer Grade-I. When he was working as Rural Welfare Officer, he was suspended from



service on the ground that a criminal case has been registered against him and an FIR has also been filed by the Vataathikottai Police Station and during investigation, he has been detained under judicial custody for more than 48 hours. Pursuant to which, a suspension order was issued against him and the same was revoked by the second respondent on 01.02.2008. While revoking the suspension, a charge memo has also been issued under Rule 17(b) of the Tamil Nadu Civil Services(D&A) Rules. Thereafter, he submitted his explanation and after enquiry, the Enquiry Officer has submitted his Enquiry Report stating that all the four charges were framed against the petitioner has not been proved.

3. Further, it is submitted that after receipt of the enquiry report from the Enquiry Officer, the petitioner was called to submit his explanation on the report of the Enquiry Officer and the petitioner has also submitted his explanation on 16.10.2008. However, the second respondent without considering the explanation submitted by the Petitioner, imposed a punishment to withhold the increment of the petitioner with cumulative effect for six months. Against the order of the second respondent, the petitioner has filed an appeal before the first respondent. By order dated 31.05.2013, the first respondent accepted the petitioner's explanation and repealed the order of the second respondent. While pending the charge memo, the criminal case against the petitioner and others ended in acquittal by the learned Judicial Magistrate, Pattukottai, on 12.05.2008.

4. By consent of the learned counsel for the petitioner and the learned Government Advocate, this writ petition itself is taken up for final disposal.

5. The grievance of the petitioner is that inspite of the acquittal of the petitioner from the criminal charges, the second respondent had not withdrawn the punishment imposed against the petitioner and though the petitioner has given number of representations, till date the said representations have not been considered. He further submitted that the petitioner was denied further promotion because of the pendency of the above punishment. The petitioner made further representations on 20.05.2019 and 01.11.2019 respectively to the respondents. Since no effective steps have been taken, the petitioner is before this Court.

6. Considering the above facts and circumstances of the case, this Court directs the first respondent to consider the petitioner's representation based on the judgment dated 12.05.2005 in C.C.No.1926 of 2002, acquitting the petitioner by considering the representation dated 20.05.2019 and 01.11.2019 made by the petitioner on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall enclose the copy of the representation dated 20.05.2019 and 01.11.2019 along with the copy of this order.



7. This writ petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar (ADII)

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Sub Assistant Registrar(CS)

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To

1.The Director of Rural Development-cum-
Commissioner of Rural Development & Panchayatraj,
Panagal Building,
Saidapet,
Chennai.

2.The District Collector,
Collectorate Campus,
Pudukottai District.

+1 CC to M/s.SPL.GP (SR-12019[F] dated 17/03/2020)

+1 CC to M/s.K.C.RAMALINGAM, Advocate (SR-12325[F] dated 18/03/2020)

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KB(26.08.2020) 3P 5C