



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.21076 of 2015

and

M.P.(MD)No.1 of 2015

M.Elango

... Petitioner

-Vs-

1.The District Revenue Officer,
Theni District, Theni.

2.The Revenue Divisional Officer,
Uthamapalayam, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating with the order of the first respondent made in Na.Ka.No.D1/38534/2014, dated 21.09.2015, confirming the order of punishment of dismissal from service, made by the second respondent in Na.Ka.No.4135/2014/A2, dated 06.12.2014 and quash the same as it is arbitrary and illegal and in consequence to direct the respondents to reinstate the petitioner with all attended benefits thereon.

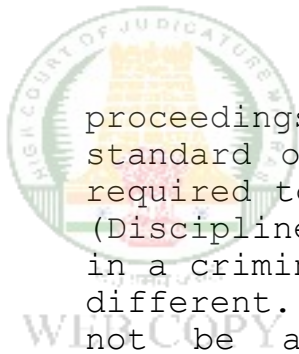
For Petitioner :Mr.R.Suriya Narayanan

For Respondents: Mr.P.Mahendran
Additional Government Pleader

ORDER

The writ petitioner, who was working as Village Administrative Officer, was removed from service based on the conviction imposed by the competent criminal Court of law. Based on the order of conviction, the competent authorities invoked the provisions of Section 17(c)(i)(1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and removed the petitioner from service. Subsequently, the petitioner preferred CrI.R.C.(MD)No.536 of 2015 and this Court allowed the criminal revision petition and set aside the order of conviction passed against the writ petitioner.

2.This Court is of the considered opinion that mere acquittal is not a bar to continue the departmental disciplinary



proceedings. To convict a person under the criminal law, a strict standard of proof is required. However, no such strict proof is required to punish an employee under the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Thus, the procedures to be followed in a criminal case and the departmental proceedings are distinct and different. Therefore, mere acquittal by the criminal Court would not be a ground to seek exoneration from the departmental disciplinary proceedings. Thus, the respondents are at liberty to continue the departmental disciplinary proceedings by framing charges and by conducting an enquiry independently.

3.However, the impugned order of removal passed under Rule 17(c) (i) (1) cannot be sustained in view of the fact that, it was issued based on the order of conviction. No enquiry was conducted. No charge memo was issued. Thus, the order impugned is liable to be set aside on the ground that it was issued purely on the ground of conviction and the said order of conviction was subsequently set aside by this Court in Crl.R.C.(MD)No.536 of 2015.

4.This being the factum, the order impugned passed by the 1st respondent in proceedings in Na.Ka.No.D1/38534/2014, dated 21.09.2015 confirming the order of punishment of dismissal from service made by the second respondent in proceedings in Na.Ka.No.4135/2014/A2, dated 06.12.2014, are quashed. However, the respondents are at liberty to continue the departmental disciplinary proceedings by framing charges under the provisions of the Tamil Nadu Civil Service (Discipline and Appeal) Rules and by conducting an enquiry, if necessary, and by following the procedures in the manner known to law.

5.With this liberty, the writ petition stands allowed in part. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

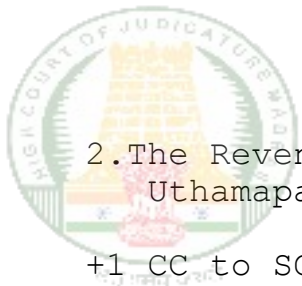
/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The District Revenue Officer,
Theni District, Theni.



2.The Revenue Divisional Officer,
Uthamapalayam, Theni District.

+1 CC to SGP (SR-25538[F] dated 15/12/2020)

WEB COPY

W.P. (MD) .No.21076 of 2015

14.12.2020

NA (CO)
NR (30/12/2020) 3P : 4C