



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.2138 of 2021

WEB COPY

Veerasamy

... Appellant/Petitioner

Vs.

1.The District Collector,
Collectorate Campus,
Sivagangai District.

2.The Regional Transport Officer,
Office of the Regional Transport Office,
Sivagangai District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order, dated 02.08.2019, made in W.P.(MD) No.23519 of 2015 by allowing the appeal.

Prayer in WP(MD) . 23519/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order passed by the 1st respondent in his Proceedings No.Pa.Mu.A2-23763-2008, dated 20.10.2014 and quash the same as illegal and consequently direct the 1st respondent to reinstate the petitioner as Junior Assistant in the 2nd Respondent s Office.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.P.Subbaraj

Special Government Pleader

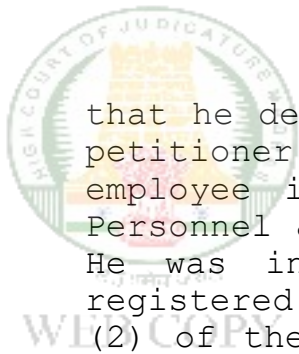
J U D G E M E N T

(Judgment of the Court was made by PUSHPA SATHYANARAYANA,J.)

The writ appeal has been filed against the order dated 02.08.2019, made in W.P.(MD) No.23519 of 2015.

2.Heard Mr.J.Lawrance, learned counsel for the appellant and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents.

3.The appellant was terminated from service on account of the conviction imposed in Crime No.2 of 2008 on the file of the Vigilance and Anti Corruption Wing, Sivagangai, on the allegation



that he demanded and accepted bribe. Admittedly, the appellant/writ petitioner was appointed during the strike period as temporary employee in the cadre of Junior Assistant in G.O. (Ms) No.85, Personnel & Administrative Reforms (G) Department, dated 04.07.2003. He was involved in demanding and accepting bribe. A case was registered in Crime No.2 of 2008, under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988. After trial he was convicted. Thereafter, a Show Cause Notice was issued to him and explanation was called for by the authorities and he was terminated from the service.

4. Against the conviction and sentence, the appellant has also preferred a Criminal Appeal before this Court in Criminal Appeal CrI.A.(MD) No.272 of 2014. On the date of order impugned in W.P.(MD) No.23519 of 2015, the Criminal Appeal was pending and the Writ Court had observed that in the event of acquittal in the Criminal Appeal, it is left open to the appellant/writ petitioner to approach the competent authority for the purpose of considering his case. The Criminal Appeal was allowed and the appellant was honourably acquitted on 11.05.2020. The Writ Court while dismissing the Writ Petition had observed that even when the appellant was appointed during strike period and working as temporary employee, he involved in the allegations of corruption and convicted under the provisions of Corruption Act and therefore, he is not entitled for the relief sought for in the Writ Petition.

5. The learned counsel for the appellant submitted that this Court has allowed the Criminal Appeal and acquitted the appellant on 11.05.2020, and hence, it is open to him to approach the competent authority for the purpose of consideration of revocation of the termination, however, the observations made by the learned Single Judge would operate against him.

6. In the above circumstances, we only direct the authorities to consider the case of the petitioner, if he approaches, uninfluenced by the observations made by the Writ Court and consider his case in accordance with law.

7. The Writ Appeal stands disposed of with the above directions. No costs.

Sd/-

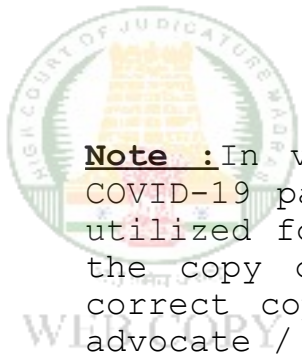
Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Collector,
Collectorate Campus,
Sivagangai District.

2.The Regional Transport Officer,
Office of the Regional Transport Office,
Sivagangai District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-36704[F] dated 01/12/2021)

+1 CC to M/s.SPL GP (SR-36710[F] dated 01/12/2021)

W.A. (MD) No.2138 of 2021
30.11.2021

VR(CO)
KB(09.12.2021) 3P 5C