



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) No.14709 of 2020

WEB COPY

Ramar

... Petitioner

vs.

1. The District Collector / Chairman,
District Blindness Control Society,
District Collector Camp Office,
Madurai - 625 020.

2. The District Programme Officer/HOD,
District Blindness Control Society,
Government Rajaji Hospital (Eye Department),
Madurai - 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to appoint the petitioner for the post of Social Worker (Counselor) at Government Rajaji Hospital under District Blindness Control Society on the basis of the petitioner's representation, dated 23.09.2020.

For Petitioner	: Mr.M.Sankar
For Respondents	: Mr.K.S.Selvaganesan Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to appoint him for the post of Social Worker (Counselor) at Government Rajaji Hospital under District Blindness Control Society on the basis of his representation, dated 23.09.2020.

2.The learned counsel appearing for the petitioner submitted that while the petitioner was working as Social Worker (Counselor) in the office of the second respondent in the year 2005, a criminal case was registered against him. Based on the criminal case, the second respondent, by order, dated 29.05.2013, dismissed the petitioner from service. The petitioner filed a Writ Petition in W.P (MD)No.10381 of 2013, challenging the order of dismissal. This Court by order, dated 04.06.2014, set aside the order of dismissal and remitted the matter to the first respondent to hold disciplinary proceedings against the petitioner. According to the petitioner, the



first respondent did not conduct any disciplinary proceedings and reinstate him in service. Hence, he filed a Contempt Petition in Cont.P(MD)No.534 of 2015. At the time of hearing the Contempt Petition, the learned Additional Government Pleader submitted that the disciplinary proceedings have been initiated against the petitioner and order of dismissal was also once again issued on 03.09.2014. Recording the same, this Court, by order, dated 20.12.2016, closed the Contempt Petition granting liberty to the petitioner to challenge the said order.

3.The learned counsel appearing for the petitioner further submitted that the criminal case registered against the petitioner was closed as mistake of fact and hence, the petitioner gave a representation, dated 23.09.2020, to consider him for the post of Social Worker (Counselor) at Government Rajaji Hospital under District Blindness Control Society. The same has not been considered so far. Hence, the petitioner has come out with the present Writ Petition.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

5.From the materials available on record, it is seen that for the above criminal case, disciplinary proceeding was initiated against the petitioner and he was dismissed from service, by order, dated 03.09.2014. This Court, while closing the Contempt Petition, granted liberty to the petitioner to challenge the said order. The petitioner has not challenged the said order and the order of dismissal of the petitioner from service, dated 03.09.2014, has become final.

6.It is well settled that the criminal proceedings and disciplinary proceedings are entirely different and both can be proceeded simultaneously and even after acquittal, disciplinary proceedings can be initiated and proceeded with.

7.In the present case, the respondents initiated disciplinary proceedings and dismissed the petitioner from service on 03.09.2014. This Court, in Cont.P(MD)No.534 of 2015, by order, dated 20.12.2016, granted liberty to the petitioner to challenge the said order. The petitioner has not challenged the same.

8.For the above reasons, the petitioner is not entitled for the relief sought for in the present Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

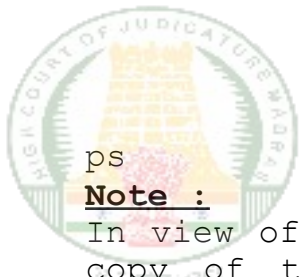
Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)



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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 / Chairman,
District Blindness Control Society,
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Madurai - 625 020.
2. The District Programme Officer/HOD,
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RC (03.08.2021) 3P-3C