



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20543 of 2021

WEB COPY

T.Nainar

... Petitioner

versus

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Sub Collector,
Cheranmahadevi Sub Collector
Office,
Tirunelveli District.

3. The Thasildar,
Nanguneri Taluk Office,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the first respondent to include the petitioner's name in the seniority list of Village Assistant issued for the period 2016-2021 by considering the petitioner's representations dated 15.09.2021 and 02.11.2021.

For Petitioner : Mr.R.Mohanasundaram
For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition is filed for a mandamus, directing the first respondent to include the petitioner's name in the seniority list of Village Assistant, by considering his representations dated 15.09.2021 and 02.11.2021.

2. Today, when the writ petition is taken up for hearing, the learned Special Government Pleader takes notice for the respondents and submits that the petitioner is involved in criminal cases and three criminal cases are pending against him in Cr.No.144 of 2016, 145 of 2016 and 146 of 2016.

3. The learned counsel appearing for the petitioner also admitted the same that the petitioner was placed under suspension on 30.05.2016 based on the criminal cases pending against him.



4. The learned Special Government Pleader appearing for the respondents submits that those cases have been charge sheeted as C.C.No.535 of 2019, 421 of 2019 and 450 of 2020 before the learned Judicial Magistrate, Nanguneri.

5. Since there are three criminal cases pending against the petitioner and those cases have been charge sheeted and as per Schedule XI of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the petitioner is not entitled for the relief as sought for in the writ petition and a writ of mandamus cannot be issued, directing the respondents to include the petitioner's name in the seniority list of Village Assistant.

6. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Sub Collector,
Cheranmahadevi Sub Collector Office,
Tirunelveli District.

3. The Thasildar,
Nanguneri Taluk Office,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-34956[F] dated 18/11/2021)

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NSN(CO)

TR(21.12.2021) 2P 5C