



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P. (MD)No.13004 of 2016 and 7557 of 2017

and

W.M.P(MD)Nos.9819 of 2016 and 5896 & 5897 of 2017

P.Samuel Rajasekar

... Petitioner in both petitions

Vs.

1.The Director of Collegiate Education,
College Road,
Nungambakkam,
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Sinthupoonthurai,
Tirunelveli- 627 001.

3.G.Venkataswamy Naidu College,
Rep. By its Secretary,
Kovilpatti-628 502,
Tuticorin District.

... Respondents in both petitions

Prayer in W.P. (MD)No.13004 of 2016: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the third respondent in Na.Ka.No.785/S/2016 dated 03.06.2016 and quash the same and consequently direct the third respondent to reinstate the petitioner in service with all consequential benefits.

Prayer in W.P. (MD)No.7557 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to implement the order of the 1st respondent in Na.Ka.No.15413/F4/2012 dated 15.03.2017 forthwith by reinstating the petitioner with all consequential benefits.

For Petitioner : Mr.T.Antony Arul Raj (In both cases)

For R1 & R2 : Mr.D.Muruganantham
Additional Government Pleader
(In both cases)



For R3

: Mr.A.Sivaji
(in both petitions)

O R D E R

The petitioner has filed the writ petition in W.P(MD)No.13004 of 2014 to quash the impugned order of the third respondent, dated 03.06.2015 and the writ petition in W.P(MD)No.7557 of 2017, directing the third respondent to implement the order of the first respondent, dated 15.03.2017 passed in Na.Ka.No.15413/F4/2012 forthwith, by reinstating the petitioner with all consequential benefits.

2.The case of the petitioner is that he was appointed as a Lecturer in Physics Department, in the year 1988 and his service was also regularized. Thereafter, he was promoted as an Associate Professor, in the year 2008. While so, on 05.05.2010, the petitioner was served with a charge memo dated 05.05.2010 and the petitioner has given his explanation in this regard. Since the petitioner's explanation was not satisfied, the College committee conducted an enquiry and passed an order of dismissal from service, on 23.12.2010. Aggrieved over the same, the petitioner has filed an appeal before the Director of Collegiate Education, Chennai. The Appellate Authority allowed the said appeal by setting aside the order of the third respondent thereby directing the Management to reinstate the petitioner into service. Against the said order, the third respondent filed W.P(MD)No.4586 of 2012 before this Court and the same was allowed and the order of the appellate authority was set aside and the matter was remitted back to the appellate authority for fresh consideration. Aggrieved over the same, the third respondent has filed a writ Appeal in W.A(MD) No.916 of 2015 wherein, the Division Bench confirmed the order passed in W.P(MD)No.4586 of 2012.

3.In the meanwhile, criminal cases have been registered against the petitioner and the same are pending. While such being the case, the first respondent considered the issue afresh and set aside the dismissal order of the third respondent. Therefore, the petitioner has submitted his representation, dated 29.12.2015 to implement the order of the first respondent. Since the third respondent has not implemented the said order, the petitioner has filed a writ petition in W.P(MD)No.8510 of 2016, wherein, this Court directed the third respondent to consider the petitioner's representation dated 29.12.2015. Thereafter, the third respondent passed an order dated 03.06.2016 stating that after the disposal of the two criminal cases, they will consider the reinstatement of the petitioner. Thereafter, the first respondent passed an order, dated 15.03.2016 directing the third respondent to reinstate the petitioner into service. Even after setting aside of the dismissal



order, the petitioner has not received his salary till date. Since the third respondent has not obeyed the order of the first respondent, the present writ petition has been filed for the aforesaid relief.

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4.The learned counsel appearing for the petitioner submitted that during the pendency of the writ petition, out of two criminal cases, one ended in acquittal in C.C.No.400 of 2010 and the another case in C.C.No.393 of 2010, ended in conviction, against which, an appeal has been preferred. Hence, this Court may grant liberty to work out his remedy, after the disposal of the criminal appeal.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first, second respondents and the learned counsel appearing for the third respondent.

6.In view of the submission made by the learned counsel for the petitioner, the Writ Petitions are dismissed by granting liberty to the petitioner to work out his remedy in the manner known to law, after the disposal of the criminal appeal. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

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To

1.The Director of Collegiate Education,
College Road,
Nungambakkam,
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Sinthupoonthurai,
Tirunelveli- 627 001.



W.P.(MD)No.13004 of 2016 and 7557 of 2017

+2 CC to M.A.SIVAJI, Advocate (SR-12308, 12307[F] dated
18/03/2021)

+1 cc to Mr.T.ANTONY ARUL RAJ, Advocate SR.No.12432

+1 cc to The Special Government Pleader Sr.No.12496

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