



WEB COPY

W.P.No. 29632 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 29632 of 2016

and

W.M.P.No. 25660 of 2016

Arunagiri

... Petitioner

1. The Commissioner,
Survey and Land Records,
Government of Tamil Nadu,
Ezhilagam,
Chennai – 600 005.
2. The Regional Deputy Director,
Survey and Land Records,
Exhilagam,
Chennai – 600 005.
3. The Assistant Director,
Survey and Land Records,
7th Floor,
Singaravelan Building,
Rajaji Salai,
Chennai – 600 001.

.....Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the third respondent vide his proceedings R.C. A4 1522/08 dated 05.08.2016 quash the same and consequently direct the first respondent to reinstate the petitioner into service with all backwages and promotion pursuant to the representation dated 18.08.2016 given to the respondents.



For Petitioner : Mr. T. Muruganantham
For Respondents : Mr. T. Sampath Kumar
Government Advocate
for R1 to R3

ORDER

The order of dismissal from service issued under Rule 17 (c) (i) (1) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, in proceedings dated 05.08.2016, is under challenge in the present writ petition.

2. The writ petitioner served as Sub Inspector of Survey and a criminal case was registered against him under Sections 13 (2) r/w 13(1) d of the Prevention of Corruption Act. It is not in dispute that the petitioner was convicted in the criminal case and the appeal filed by him is pending. Based on the judgment of conviction, the authorities competent issued a show cause notice and thereafter passed the final orders in proceedings dated 05.08.2016, dismissing the writ petitioner from service.



3. Rule 17 (c) (i) (1), of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, contemplates that an employee, who is convicted by the competent court of law, shall be dismissed from service without any further enquiry.

4. In the present case, the petitioner was convicted in a criminal case registered under the Prevention of Corruption Act. Even on acquittal, the respondents are empowered to conduct departmental disciplinary proceedings, as mere acquittal would not de-bar the employer from initiating departmental disciplinary proceedings under the Rule and this being the legal principles to be followed, in the present case, the petitioner was convicted. Thus, there is no infirmity in respect of the order of dismissal passed by the third respondent in proceedings dated 05.08.2016. and Consequently, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



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S.M.SUBRAMANIAM, J.

mrn

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