



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.7922 of 2019

and

W.M.P.(MD) No.6267 of 2019

WEB COPY

N.J.Selvakumar

... Petitioner

vs.

1.The Director of Medical and
Rural Health Service
Thenampettai
Chennai-6

2.The Deputy Director of Health Service
Kanyakumari District
At Krishnankovil
Nagercoil

3.The Block Medical Officer
Primary Health Centre
Kothanallur
Mekamandapam Post
Kanyakumar District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records on the file of the second respondent pertaining to the order bearing R.No.708/A4/2018, dated 24.01.2019 and the order passed by the first respondent bearing Ref.No.10197/SC1/1/2003, dated 19.03.2019 and to quash the same and consequently direct the respondents to reinstate the petitioner in the service within a time stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.A.K.Manikkam

Special Government Pleader

O R D E R

The order of termination issued under Rule 17(c)(i)(1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules (for brevity "the Rules") is under challenge in this writ petition.

2. Admittedly, the petitioner was implicated in a criminal case, more specifically, under the Prevention of Corruption Act, 1988. He was awarded a sentence of rigorous imprisonment for three



years with a fine of Rs.10,000/- in default, to undergo rigorous imprisonment for further one year, as per the order dated 31.10.2019, passed by the learned Chief Judicial Magistrate and Special Judge, Nagercoil, in Special Case No.3 of 2007.

3. The learned counsel appearing for the petitioner submitted that challenging the said conviction order, an appeal has been preferred and it is pending.

4. To be noted, suspension of sentence alone is granted in the appeal. Therefore, the conviction stands against the petitioner. Under these circumstances, the competent Authority have invoked the Rule 17(c)(i)(1) of the Rules and imposed the penalty of dismissal from service.

5. In view of the fact that no further enquiry is contemplated under Rule 17(c) of the Rules in respect of Criminal Court conviction, the procedure followed by the Department is in consonance with the Rules and there is no infirmity. Thus, the impugned orders are confirmed.

6. However, in the event of acquittal in future, the petitioner is at liberty to approach the Authorities competent and even in such circumstances, the Department is empowered to conduct disciplinary proceedings independently by following the procedures as contemplated under the Rules. This being the scope of the order passed by the respondents consequent to the conviction passed by the Criminal Court, no further consideration is required in this matter.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

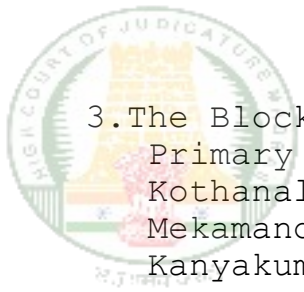
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To:

1.The Director of Medical and Rural Health Service,
Thenampettai, Chennai-6.

2.The Deputy Director of Health Service,
Kanyakumari District,
At Krishnankovil,
Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Block Medical Officer,
Primary Health Centre,
Kothanallur,
Mekamandapam Post,
Kanyakumar District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-5398[F]
dated 10/02/2022)

+1 CC to M/s.SPL GP (SR-5310[F] dated 10/02/2022)

W.P. (MD) No.7922 of 2019

and

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