



W.P(MD)No.7168 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P(MD)No.7168 of 2017

and

W.M.P(MD)No.5662 of 2017

S.Victor

... Petitioner

Vs

1.The Chief Engineer (Agrl. Engg),
Nandanam,
Chennai - 35.

2.The Assistant Executive Engineer (Agrl. Engg),
Thuckalay,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the impugned suspension order dated 13.12.2012 under proceedings No.DC3/53761/2012 passed by the first respondent and subsequently quash the same as illegal and erroneous and consequently direct the respondents to reinstate the petitioner into his service as Assistant Engineer (Agrl. Engg) in the office of the Assistant Executive Engineer (Agrl. Engg), Thuckalay, Kanyakumari District forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

WEB COPY

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned suspension order, dated 13.12.2012 under proceedings No.DC3/53761/2012 passed by the first respondent and consequently directing the respondents to reinstate the petitioner into his service as Assistant Engineer (Agrl. Engg) in the office of the Assistant Executive Engineer (Agrl. Engg), Thuckalay, Kanyakumari District forthwith.

2. When the matter is taken up for hearing today, learned Special Government Pleader appearing for the respondents submitted that the petitioner was dismissed from service by proceedings in Proc.No.DC3/27735/2013, dated 04.11.2019 and therefore, this Writ Petition has become infructuous.

3. The order passed by the first respondent in Proc.No.DC3/27735/2013, dated 04.11.2019, shows that the petitioner was convicted on a criminal charge framed under Sections 420, 468, 471, 409, 477A of I.P.C and 13(2) r/w 13(1)(c) and 13(1) (d) of Prevention of Corruption Act, 1988 and was sentenced to rigorous imprisonment for five years and also imposed with a fine of Rs.1,00,000/- by the learned Special Judge cum Chief Judicial



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Magistrate, Nagercoil in Special Case No.5 of 2015, dated 23.07.2019. After the conviction, the petitioner was dismissed from service.

4. In view of the dismissal of the petitioner from service, challenge to his suspension in proceedings No.DC3/53761/2012, dated 13.12.2012 passed by the first respondent, survives no more. There is nothing to adjudicate in this Writ Petition and therefore, this Writ Petition is dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

18.08.2022

Internet :Yes
Index :Yes / No
ps

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.



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G.CHANDRASEKHARAN, J.

ps

To

- 1.The Chief Engineer (Agrl. Engg),
Nandanam,
Chennai – 35.
- 2.The Assistant Executive Engineer (Agrl. Engg),
Thuckalay,
Kanyakumari District.

Order made in
W.P(MD)No.7168 of 2017

18.08.2022