



W.P(MD)No.24324 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24324 of 2022

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... Petitioner

Vs.

1.The Director,
Fire and Rescue Service Department,
Chennai.

2.The Deputy Director,
Fire and Rescue Service Department,
Southern Region,
Madurai.

3.The District Officer,
Fire and Rescue Service Department,
Kanyakumari.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 12.09.2022 within stipulated time fixed by this Court.

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.N.Suresh Kumar,
Addl. Government Pleader.



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ORDER

Heard the learned counsel on either side.

2.The writ petitioner was working as Station Officer in Fire and Rescue Service Department at Colachel in Kanyakumari District. He was dismissed from service following his implication in a vigilance case. The vigilance case has since ended in conviction in Spl.S.C.No.8 of 2014 on 22.06.2022, on the file of the learned Special Judge cum Chief Judicial Magistrate, Kanyakumari District at Nagercoil. The petitioner contends that he had since filed CrI.A.(MD)No.440 of 2022 and obtained suspension of sentence on 25.08.2022 in CrI.M.P.(MD)No.10045 of 2022 in CrI.A.(MD)No.440 of 2022. He has given a representation dated 12.09.2022 and wants this Court to direct the respondents to reconsider his dismissal order in the light of interim order of suspension of sentence granted by this Court in CrI.M.P.(MD)No.10045 of 2022.

3.A mere look at the suspension order passed by this Court indicates that what was suspended was only the sentence imposed on the petitioner and not the conviction. If the petitioner's conviction had been stayed then certainly, the dismissal order will have to be revisited. Since conviction has not been stayed,



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the question of directing the respondents to consider the petitioner's representation does not arise at all. If the petitioner succeeds in the criminal appeal, then definitely, the petitioner can approach this Court again.

4. With this liberty to the writ petitioner, the writ petition is dismissed.

No costs.

31.10.2022

Index : Yes / No
Internet : Yes/ No
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To:

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G.R.SWAMINATHAN, J.

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