



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.23153 of 2019

and

W.M.P.(MD) No.19861 of 2019

S.S.Porchezgian

... Petitioner

-vs-

The Engineer in Chief WRD and
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 5.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to reinstate the petitioner in the same or other equivalent non sensitive post within a time frame to be fixed by this Court.

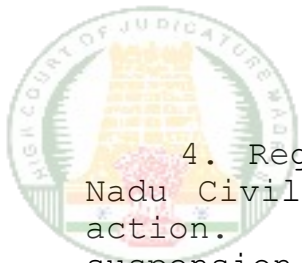
For Petitioner : Mr.RM.Arun Swaminathan
For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondent to reinstate the petitioner in service and post him in any non sensitive post or equivalent post.

2. The petitioner states that he was placed under suspension while he was working as Junior Engineer, Public Works Department, Chittar Basin Section, Kadayanallur. The petitioner has not challenged the order of suspension in the present writ petition. Contrarily, seeks a direction to reinstate him. However, the fact remains that criminal case was registered against the petitioner under the provisions of Prevention of Corruption Act with the allegations of demand and acceptance of bribe.

3. The learned Additional Government Pleader brought to the notice of this Court that the petitioner was convicted by the competent criminal court of law and he preferred an appeal and the said appeal is pending.



4. Regarding the convicted employees, Rule 17(c) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules contemplates an action. The order of conviction has not been stayed and the suspension of sentence would not be of any avail to the petitioner so as to keep all further action in abeyance. Thus, the authorities competent are bound to initiate all further actions under the rules based on the order of conviction. If at all the petitioner succeeds in the appeal with an order of acquittal, thereafter, the Department may review the situation and conduct departmental disciplinary proceedings if necessary by following the procedures as contemplated. Contrarily, a convicted employee cannot be allowed to continue under suspension and have a lien with the Department. Thus, the respondent is directed to initiate all appropriate proceedings under the rules as expeditiously as possible.

5. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

The Engineer in Chief WRD and
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 5.

+1 CC to M/s.SPL.GP. (SR-22533[F] dated 29/04/2022)

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