



W.P.No.25433 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.25433 of 2022

G.Vijayakumar

... Petitioner

versus

1.Union of India,
Represented by the Secretary,
Department of Legal Affairs,
Ministry of Law & Justice,
Shastri Bhawan,
New Delhi-110 011.

2.The Additional Legal Adviser,
Department of Legal Affairs,
Ministry of Law & Justice,
III Floor, Shastri Bhawan,
No.26, Haddows Road,
Chennai-600 006.

3.The Central Administrative Tribunal,
Madras Bench,
Represented by its Registrar,
Chennai- 600 104.

... Respondents



W.P.No.25433 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for the records of third respondent pertaining to its orders which is made in MA 310/00569/2018 & OA/310/01330/2018 dated 09.10.2018 and the order made in MA/310/0002/2019 in OA/310/01330/2018 dated 09.01.2020 with Corrigendum dated 11.02.2020 and quash the same, and consequently to direct the respondents 1 and 2 to reinstate the petitioner into service with all service benefits and pass orders.

For Petitioner : Mr.R.Malachamy

For Respondents : Mr.R.Rajesh Vivekananthan
Deputy Solicitor General
for respondents 1 and 2
R3 Tribunal

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

This writ petition has been filed for a Certiorarified Mandamus, calling for the records of the third respondent pertaining to its orders made in MA 310/00569/2018 & OA/310/01330/2018 dated 09.10.2018 and the order made in RA/310/0002/2019 in OA/310/01330/2018 dated 09.01.2020 with Corrigendum dated 11.02.2020 and quash the same, and consequently to direct the respondents 1 and 2 to reinstate the petitioner into service with all service benefits.

2. According to the petitioner, police authorities have falsely



W.P.No.25433 of 2022

implicated him in a criminal case and he was detained by the police authorities on 21.08.2006. Since he was involved in a criminal case, his services have been terminated by the second respondent. In the meanwhile, the petitioner was acquitted from the criminal case by the learned Principal Sessions Judge, Srivilliputhur vide order dated 10.11.2019 in Criminal O.P.No.147 of 2007. On receipt of the acquittal order in the criminal case, he immediately made representations on 03.03.2010, 14.07.2011 and 19.09.2011, to the second respondent requesting him to revoke the order of suspension and reinstate him into service but the second respondent did not consider the same. Therefore, the petitioner had filed O.A.No. 7 of 2012 before the third respondent Tribunal with a prayer to dispose of the representations dated 03.03.2010 and 14.07.2011 and the same was dismissed for non prosecution vide order dated 17.07.2014. Again, he made a representation dated 07.05.2018 to the respondent. As no action has been taken by the respondents on the said representations, he again filed O.A.No741 of 2018 and the same was disposed of vide order dated 19.06.2018 directing the respondents to consider the representation dated 07.05.2018 of he petitioner. Pursuant to the order of the Tribunal dated 19.06.2018, the respondent passed orders



W.P.No.25433 of 2022

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on 18.07.2018, rejecting the request of the petitioner for reinstatement consequent to his acquittal in criminal case, on the ground that as the petitioner was holding the post of Peon on Adhoc basis, which does not bestow on him any right for regular appointment. Again, the said order is under challenge before the Central Administrative Tribunal in O.A.No.1330 of 2018 along with M.A.No.569 of 2018 to condone the delay in filing the said O.A. Both O.A.No.1330/2018 and M.A.No.569/2018, came to be dismissed by the Tribunal by order dated 09.10.2018 on the ground of limitation. Against this order of the Tribunal, the instant writ petition has been filed.

3. On a perusal of the order impugned in this writ petition, and on hearing the parties, we are satisfied with the orders passed by the Tribunal on merits that the petitioner is not entitled for reinstatement into service consequent to his acquittal in the criminal case. Therefore, we are confirming the order of the Tribunal. However, as it is represented on behalf of the petitioner that the petitioner has made a request before the respondent seeking fresh appointment on adhoc basis if otherwise eligible. In such circumstances, the respondent



W.P.No.25433 of 2022

department can consider his representation and take appropriate decision without taking note of the observation made by the Tribunal or this Court.

4. With the above observation, the writ petition stands disposed of. There will be no order as to costs.

[D.K.K., J.] [P.B.B., J.]
05.07.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



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W.P.No.25433 of 2022

D.KRISHNAKUMAR, J.
and
P.B. BALAJI
(mrn)

To

- 1.The Secretary,
Union of India,
Department of Legal Affairs,
Ministry of Law & Justice,
Shastri Bhawan,
New Delhi-110 011.
- 2.The Additional Legal Adviser,
Department of Legal Affairs,
Ministry of Law & Justice,
III Floor, Shastri Bhawan,
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W.P.No.25433 of 2022

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