



W.P(MD)No.5744 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5744 of 2023

A.Ananthi

... Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Srivilliputtur,
Virudhunagar District.

3.C.Senthilkumar

... 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 1 & 2 herein to initiate appropriate departmental proceedings as against the third respondent pursuant to his conviction vide Judgment dated 03.11.2022 in S.T.C.No.80 of 2022 on the file of the Fast Track Court, Uthamapalayam, by considering the petitioner's representation dated 21.12.2022.

For Petitioner : Mr.R.Rajeshkumar

For Respondent : Mr.G.Suriyananth
Additional Government Pleader for R1 & R2
: No appearance for R3



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ORDER

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Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2. Though the third respondent has been served and his name is printed in the cause list, he has not chosen to enter appearance.

2. The petitioner prosecuted the third respondent for the offence under Section 138 of the Negotiable Instruments Act. The third respondent was found guilty vide Judgment dated 03.11.2022 in S.T.C.No.80 of 2022 on the file of the Fast Track Court (Magisterial Level), Uthamapalayam. The third respondent has filed an appeal. Sentence appears to have been suspended. But conviction has not been suspended. When the Government employee suffers conviction, he has to be shown the door. If he succeeds in the appeal, then he has to be taken back in the service. But he may not be given monetary benefit for the intervening period. The petitioner's case is justified. The first respondent is directed to pass order on the petition mentioned representation as per law within a period of two weeks from the date of receipt of a copy of this order.

3. The Writ Petition is disposed of accordingly. No costs.

06.04.2023

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 11.04.2023.



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- To
- 1.The Superintendent of Police,
Office of Superintendent of Police,
Virudhunagar District.
 - 2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Srivilliputtur,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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