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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**10.02.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD)No.2761 of 2023

A.Manibalan ... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy – 620 002.

2.The Block Development Officer,
Panchayat Union Office,
Thathiengarpet – 621214,
Trichy District. ... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents to revoke the petitioner's dismissal order dated 01.10.2016 and reinstate him into service and to provide him with all monetary benefits based on his acquittal in Special Case No.20 of 2011 on the file of the trial of Cases under Prevention of Corruption Act, Tiruchirappalli by this Hon'ble Court in its order dated 04.07.2022 in Crl.A(MD)No.90 of 2016 and by considering his representation dated 04.08.2022 and 15.12.2022 within a time limit.

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For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking for a direction to the respondents to revoke the petitioner's dismissal order, dated 01.10.2016 and reinstate him into service and to provide him with all monetary benefits based on his acquittal in Special Case No.20 of 2011 on the file of the trial of Cases under the Prevention of Corruption Act, Tiruchirappalli by this Hon'ble Court in its order dated 04.07.2022 in Crl.A(MD)No.90 of 2016 and by considering his representation, dated 04.08.2022 and 15.12.2022 within a stipulated period.

2. The learned counsel appearing for the petitioner would submit that while the petitioner was working as a Block Development Officer in the second respondent office, a criminal case was registered against him for the offence under Section 7 of the Prevention of Corruption Act and the same was taken on file in Special Case No.20 of 2011 on the file of Special Court for Trial of Cases under the Prevention of Corruption Act, Tiruchirappalli. The trial Court convicted the petitioner. Pursuant to

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which, the petitioner was dismissed from service by invoking Rule 17(c)(i)(I) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Against which, the petitioner filed a criminal appeal in Crl.A(MD)No.90 of 2016, wherein, this Court vide judgment dated 04.07.2022, acquitted the petitioner. Hence, the petitioner made a representation on 04.08.2022 before the respondents, requesting to revoke the dismissal order, dated 01.10.2016 and to reinstate the petitioner into service. Since no order was passed, once again the petitioner made a fresh representation to the first respondent on 15.12.2022. However, till date no order was passed. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the first respondent is directed to dispose of the representation of the petitioner, dated 15.12.2022, on merits and in accordance with law, within a specified period.

4. The learned Additional Government Pleader appearing for the respondents, has no serious objection for such an order being passed by

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this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation, dated 15.12.2022 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.02.2023

PM

NCC:Yes/No
Index:Yes/No
Internet:Yes/No

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M.DHANDAPANI, J.

pm

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