



W.P(MD)No.6929 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6929 of 2023

R.Arumugam

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Chief Engineer (General),
Highways Department,
Chennai.

2.The Divisional Engineer,
O/o. The Divisional Engineer (Highways),
Highways Department,
Karur District.

3.The Assistant Divisional Engineer,
O/o. The Divisional Engineer (Highways),
Highways Department,
Karur District.

... 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 second respondent to reinstate the petitioner in the post of Gang Mazdoor in pursuance to the proceedings in Na.Ka.No.1891/2008/A2, dated 20.02.2020 on the file of the second respondent within a time stipulated by this Court.



W.P(MD)No.6929 of 2023

For Petitioner : Mr.T.Aswin Rajasimman
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.T.Villavankothai
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner joined the respondent department as Gang Mazdoor. He came to be implicated as many as four criminal cases. The petitioner was dismissed from service on 16.05.2013. The specific stand of the petitioner is that though he was involved in four cases, in two cases, he was acquitted by the trial court itself, while in other two cases, he was originally convicted by the trial Court. Both these convictions were set aside by the appellate courts in Criminal Appeal (MD) No.93 of 2011, dated 27.02.2013 and in Criminal Appeal (MD) No.73 of 2012, dated 27.11.2013. It is well settled that when dismissal is anchored only on conviction in criminal case, as and when the conviction is set aside by the appellate authority, the order of dismissal has also been subsequently set aside. Of-course, it would be open to the employer to initiate disciplinary action, if advised. This liberty is always available to the management.



W.P(MD)No.6929 of 2023

WEB COPY

3. In this view of the matter, the second respondent is directed to reinstate the petitioner in service forthwith and without any delay. Liberty is given to the respondents to proceed as per law against the petitioner.

4. The Writ Petition is allowed. No costs.

08.06.2023

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

- 1.The Chief Engineer (General),
Highways Department,
Chennai.
- 2.The Divisional Engineer,
O/o. The Divisional Engineer (Highways),
Highways Department,
Karur District.
- 3.The Assistant Divisional Engineer,
O/o. The Divisional Engineer (Highways),
Highways Department,
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3/4



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W.P(MD)No.6929 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.6929 of 2023

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