



W.P(MD)No.12904 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12904 of 2023

M.Gnanavadivel

... Petitioner

Vs

The District Collector,
Dindigul,
Dindigul District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the respondent pertaining to its proceeding bearing Na.Ka.No. 30596/1998/A1 dated 05.10.2011 and to quash the same and consequently direct the respondent to grant all service and monetary benefits by considering the representation of the petitioner dated 10.08.2022.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.A.K.Manikkam
Special Government Pleader



W.P(MD)No.12904 of 2023

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ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. The petitioner retired as Village Administrative Officer. By the impugned order he had been visited with punishment of stoppage of increment for a period of three years with cumulative effect. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and he pointed out that the petitioner was prosecuted before the criminal Court and ended in acquittal in the year 2017. The petitioner has been sending representation ever since.

4. Though the contentions advanced by the learned counsel appearing for the writ petitioner are persuasive, as rightly pointed out by the learned Special Government Pleader the writ petition is hopelessly barred by laches. The petitioner obviously knew that the employer can take disciplinary action even during the pendency of criminal case. Therefore subsequent acquittal in a



W.P(MD)No.12904 of 2023

criminal case cannot have any bearing. The standard of proof applicable to the criminal proceedings is different. The petitioner ought to have challenged the impugned order within a reasonable time. Mounting a challenge after a gap of almost 12 years and after a gap of 6 years after acquittal cannot be entertained.

5. This writ petition is dismissed. There shall be no order as to costs.

05.06.2023

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

To

The District Collector,
Dindigul,
Dindigul District.



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W.P(MD)No.12904 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.12904 of 2023

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