



W.P. Nos.26712 and 26713 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.26712 and 26713 of 2015

and

M.P.Nos.1 and 1 of 2015

W.P.No.26712 of 2015:

N.Ismail Sheriff

..Petitioner

Vs.

1. The Principal Secretary/ Commissioner
of Revenue Administration,
Chepauk, Chennai 600 005.

2. The Accountant General of Tamil Nadu,
Chennai – 600 018.

3. The District Collector,
Salem.

4. The District Revenue Officer,
Salem.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the



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proceedings in Roc.No.23/12/A3 dated 31.01.2012 from the file of the 4th respondent and the consequential proceeding in Na.Ka.No.892/2015/A3 dated 30.01.2015 from the file of the 3rd Respondent, quash both the proceedings and further direct the respondents 3 and 4 to consider the petitioner's representation dated 06.01.2015 seeking regularization of service and permission to retire (with all attendant benefits).

For Petitioner : Mr.V.Sekar for
M/s.D.Shivakumaran

For R1, R3 and R4 : Mr.Abishek Murthy
Government Advocate.

For R2 : No Appearance

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N.Ismail Sheriff

..Petitioner

Vs.

The District Revenue Officer,
Salem.

..Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the entire records in proceedings in Roc.No.23/12/A3 dated 30.01.2012 from the file of the respondent and quash the same.



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For Petitioner : Mr.V.Sekar for
M/s.D.Shivakumaran

For Respondent : Mr.Abishek Murthy
Government Advocate

COMMON ORDER

The writ petition in W.P.No.26713 of 2015 is filed praying for a writ of certiorari challenging the order dated 30.01.2012 under clause 1(i) of sub- rule (e) of Rule 17 of Tamil Nadu Civil Service (Discipline and Appeal) Rules, whereby the petitioner was placed under suspension from service, until the criminal case in Special CC.No.29/02 on the file of the Chief Judicial Magistrate and Special Judge, Salem is disposed of. The above criminal case relates to a trap and arrest by the Inspector of Police, Vigilance and Anti Corruption, Salem on 08.11.2001.

2. The writ petition in W.P.No.26712 of 2015 is filed challenging the proceedings dated 31.01.2012 whereby the petitioner was not



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permitted to retire on his reaching the age of superannuation on 31.02.2012, until the above criminal case is disposed of. A challenge is also laid in W.P.No.26712 of 2015 to the proceedings dated 30.01.2015 whereby the petitioner's request to revoke the suspension was rejected on the premise that an appeal had been preferred against the acquittal order and a mandamus was also sought for to consider the petitioner representation dated 06.01.2015 seeking regularisation of service and permission to retire with all benefits.

3. The learned counsel for the petitioner would further submit that the petitioner was convicted of the offence of demanding illegal gratification and it was affirmed in Criminal Appeal Nos.2635 – 2636 of 2024 by the Supreme Court. Therefore, both the learned counsel for the petitioner and respondent would submit that nothing may survive for adjudication in the above writ petitions. The same is recorded.

4. The petitioner however sought leave to file a mercy petition before the appropriate authority / government. This Court does not intend to express anything on the above request except to state that it is



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open to the petitioner to avail any remedy that may be available to him in the manner known to law. The writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2024

Speaking (or) Non Speaking Order

Index:Yes/No

Neutral Citation: Yes/No

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To:

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1. The Principal Secretary/ Commissioner
of Revenue Administration,
Chepauk, Chennai 600 005.
2. The Accountant General of Tamil Nadu,
Chennai – 600 018.
3. The District Collector,
Salem.
4. The District Revenue Officer,
Salem.



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MOHAMMED SHAFFIQ, J.

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and
M.P.Nos.1 and 1 of 2015

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