



WEB COPY



W.P.No.19309 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.19309 of 2024
and W.M.P.No.21175 of 2024

T.Venu

...Petitioner

-Vs-

The Commissioner,
Thiruverkadu Municipality,
Thiruverkadu, Chennai – 600 077.

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records connected with the proceedings issued in Roc.No.3073/2024/C1 dated 24.06.2024 passed by the respondent herein and quash the same.

For Petitioner : Mr.S.Illamvaludhi
For Respondent : Dr.T.Seenivasan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the show cause notice dated 24.06.2024 issued by the respondent.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had joined as Revenue Assistant in the year 2000. While



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being so, the petitioner was placed under suspension on a trap, while receiving illegal gratification. Pursuant to the registration of FIR, the investigation agency filed a final report and the same has been taken cognizance in Spl.C.C.No.17 of 2012, on the file of the learned Chief Judicial Magistrate/Special Judge, Thiruvallur, for the offences punishable under Sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. The Trial Court, by an order dated 05.03.2024 convicted the petitioner and sentenced him to undergo three years rigorous imprisonment and to pay a sum of Rs.20,000/-, in default, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal before this Court in CrI.A.No.396 of 2024 and also filed a petition for suspension of sentence in CrI.M.P.No.6030 of 2024. This Court, by an order dated 03.04.2024, suspended the sentence passed as against the petitioner. Pursuant to conviction, the petitioner was issued with a show cause notice on 24.06.2024 and the petitioner was given an opportunity to submit his explanation, within a period of fifteen days to pass final order.

4. The learned counsel for the petitioner would submit that the show cause notice was issued under Rule 17(c)(i)(1) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955. Already the disciplinary authority made



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its mind to impose capital punishment of removal from service, when it provides three types of punishments viz., dismissal from service, removal from service and compulsory retirement.

5. It is relevant to extract the provision under Rule 17(c)(i)(1) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955 as follows:-

“(c)(i)(1) The requirements of sub-rule (b) shall not apply where it is proposed to impose on a member of a service any such penalty as is referred to in clause (i) of that sub-rule on the basis of facts which have led to his conviction in a criminal court (whether or not he has been sentenced at once by such court to any punishment); but he shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed.”

6. Admittedly, the petitioner was convicted and sentenced to undergo three years rigorous imprisonment. Therefore, the petitioner was served with a show cause notice. This Court finds no infirmity or illegality in the show cause notice issued by the respondent by giving opportunity to submit the explanation within a period of fifteen days. Even on receipt of the show cause notice, the petitioner did not submit his explanation so far.



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7. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. However, the petitioner is at liberty to submit his explanation, within a period of one week from today. On receipt of the same, the respondent is at liberty to pass orders on merits and in accordance with law. Consequently, connected Miscellaneous petition is closed. No costs.

18.07.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order
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To

The Commissioner,
Thiruverkadu Municipality,
Thiruverkadu, Chennai – 600 077.



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G.K.ILANTHIRAIYAN. J,

mn

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