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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH.,J

W.P.No.21862 of 2024

S.Venkatesan .. Petitioner

Vs.

1. The Director,
   Vigilance and Anti-Corruption,
   Main Block,
   No.293, M.K.N.Road,
   Collector Nagar,Alandur,
   Chennai – 600 016

2. The Superintendent of Police,
   Central Range,
   Vigilance and Anti Corruption,
   Chennai 600 028 .. Respondents

Prayer .: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 1st respondent to reinstate the petitioner in the post of Junior Assistant Administrative Branch under the office of the 1st respondent by consider the suspension period from 2008 to till date i.e 2024 as on service and to pay service benefits within a stipulated period fixed by this Court.

For Petitioner : Mr.C.Samivel
For Respondent : Mr.P.Balathandayutham
Special Government Pleader
for R1 and R2

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O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to consider the representation made by the petitioner on 06.10.2023 wherein the petitioner is seeking for reinstatement to the Post of Junior Assistant in the office of the 1st respondent and to consider the suspension period from 2008 to 2024 as service period and to pay all the consequential benefits.

2. The case of the petitioner is that he was working as a Junior Assistant in the Administrative Branch under the 1st respondent. Three FIRs came to be registered in Crime No.1020 of 2008, 1091 of 2008 and 1093 of 2008 and all these FIRs were registered on the ground that there was theft of two wheelers. The name of the petitioner was included in all these FIRs. On completion of investigation, final report was filed before the XXIII Metropolitan Magistrate Court, Saidapet and all the three cases were faced by the petitioner in CC Nos.10690, 11220 and 11221 of 2008. In the meantime, the 2nd respondent through proceedings dated 04.11.2008, suspended the petitioner from service. The petitioner was also subsequently removed from service through proceedings dated 06.12.2009.

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3. The petitioner thereafter underwent trial in the above three cases and was acquitted from all charges. In view of the same, the petitioner made a representation to the 1st respondent to reinstate the petitioner into service and to pay all the consequential benefits. Since the representation was not considered by the respondents, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.C.Samivel, learned counsel for the petitioner and Mr.P.Balathandayutham, learned Government Special Government Pleader appearing on behalf of respondents.

5. Taking into consideration the limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 06.10.2023 and deal with the same on its own merits and in accordance with law and take a decision within a period of twelve weeks from the date of receipt of the copy of this order.

6. The petitioner is directed to make a fresh representation to the

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1st respondent along with all relevant documents and also a copy of this order. This writ petition is disposed of with the above directions. No costs.

05.08.2024

rka
Index : Yes /No
Internet :Yes /No
To
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N.ANAND VENKATESH.,J
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