



WA(MD)No.2574 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19.12.2024

CORAM
THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WA(MD)No.2574 of 2024
and
CMP(MD)No.18139 of 2024

- 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.

... Appellants

Vs.

R.Arumugam

... Respondent

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 08.06.2023 in WP(MD)No.6929 of 2023.



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For Appellants : Mr.Shaji Bino,
Special Government Pleader.

For Respondent : Mr.T.Aswin Rajasimman

JUDGMENT

(Judgment of the Court was delivered by Dr.A.D.MARIA CLETE, J.)

This appeal is preferred against the order passed by the learned Single Judge in W.P.(MD)No.6929 of 2023, directing the 2nd appellant herein to reinstate the respondent forthwith, while granting liberty to the 2nd appellant to initiate disciplinary proceedings against the respondent, if so desired.

2. The respondent was employed as a Gang Mazdoor. He was implicated in four heinous crimes and found guilty by the trial Court in a case where he was charged under Section 302 of the Indian Penal Code (IPC) and sentenced to undergo life imprisonment. Based on the criminal Court's conviction, the respondent was dismissed from service on 16.05.2013. In appeal, the accused was acquitted, albeit based on the benefit of the doubt. Thereafter, the respondent submitted a



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representation seeking reinstatement. When the 2nd appellant did not concede to the request, the respondent approached the Court.

3. As stated earlier, the respondent was dismissed from service solely based on the conviction by the trial Court. No disciplinary or internal inquiry was initiated against the respondent. On behalf of the appellants, it was argued that since the respondent was charged with the heinous offence of murder under Section 302 IPC and was detained under the Preventive Detention Act, 1982, by an order of the District Collector, Karur, his dismissal was justified. The appellants further submitted that the respondent was registered as a history sheeter at Aravakurichi Police Station. However, these submissions lack legal sanction.

4. We have carefully examined the circumstances under which the respondent was charged and convicted by the trial Court and subsequently acquitted by the appellate Court. Once the conviction by the trial Court is set aside by the appellate Court, even based on the benefit of the doubt, the trial Court's conviction loses its legal effect.



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Consequently, the dismissal based on the trial Court's conviction becomes unsustainable unless supported by an independent departmental inquiry. If the department has not conducted any independent inquiry, it cannot continue to rely on the set-aside conviction for the dismissal. This would violate the principles of natural justice and procedural fairness.

5. In this scenario, the learned Single Judge passed the order granting liberty to the appellants to initiate disciplinary proceedings, as stated above. Hence, there are no reasons to interfere with the impugned order. Consequently, this writ appeal is dismissed. Connected miscellaneous petition is closed. No costs.

[M.S.R.,J] [A.D.M.C.,J]
19.12.2024

NCC : Yes/No
Index : Yes/No

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**M.S.RAMESH,J
AND
A.D.MARIA CLETE, J.**

gns

ORDER
IN
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