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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.6941 of 2024

A.Oliva Nesa Rajakani

... Petitioner

Vs

1.The Special Commissioner of Revenue Administration,
Revenue Department,
Chepauk, Chennai – 600 005.

2.The P.A.(G) to District Collector,
Tirunelveli District,
Tirunelveli – 627 009.

3.The District Backward Classes and Minorities Welfare Officer,
Collector Campus,
Tirunelveli – 627 009.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to proceedings made in Pro.Roc.No.A4/29777/2013 dated 5.10.2020 of the 2nd respondent and quash the same, consequently direct the 2nd respondent to pay the subsistence allowance / provisional pension to the petitioner from month of February 2020 till disposal of Disciplinary proceeding No.A4/11289/2011 dated 28.05.2011 of the 2nd respondent and Crl.Appeal(MD).No. 141/2020.



For Petitioner : M/s.S.Stalin Muthu

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Junior Assistant working in the third respondent office, challenging his order of dismissal, dated 05.10.2020.

2.A perusal of the dismissal order reveals that the petitioner has been convicted under Section 7 of the Vigilance and Anti-corruption Act, 1988 by the Chief Judicial Magistrate Court-cum-Special Court, Tirunelveli on 24.02.2020. Pursuant to the said conviction, the impugned order of dismissal has been passed.

3.Considering the fact that the petitioner has been convicted by a criminal Court and as consequence, the order of dismissal has been passed. There is no scope for this Court to interfere in the order of dismissal. In case, if the petitioner succeeds in his appeal, it is open to him to approach the authorities for reinstatement.



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4.It is needless to point out that the petitioner shall be entitled to receive the eligible subsistence allowance from the date of suspension till the date of dismissal from service and it shall be disbursed within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above said observations, this writ petition stands closed. No costs.

04.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

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