



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.8219 of 2024

and

W.M.P(MD)Nos.7424 & 7429 of 2024

M.Balamurugan

... Petitioner

Vs.

1.The Director of Town Panchayats,
8th Floor, Urban Administrative Office Campus,
Chennai – 620 028.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Assistant Director of Town Panchayat,
Thanjavur Zone,
Thanjavur.

4.The Executive Officer,
Thirukkattupalli Town Panchayat,
Thirukkattupalli,
Thanjavur District.

5.The President,
Thirukkattupalli Town Panchayat,
Thirukkattupalli,
Thanjavur District.

...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 pertaining to the impugned order of dismissal passed by the 4th respondent's proceedings No. 83/2021, dated 14.11.2023 and to quash the same and consequentially direct the 4th respondent to issue continuity of service to the petitioner.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.S.S.Madhavan
Government Advocate

* * * * *

ORDER

The instant writ petition has been filed by a sanitary worker working in the Town Panchayat, challenging his order of termination, dated 14.11.2023 passed by the fourth respondent herein.

2.The petitioner was implicated in a criminal case in Crime No.239 of 2011 for the alleged incident that took place on 04.11.2011. The petitioner was convicted by the trial Court in C.C.No.239 of 2012, dated 18.03.2015 by the learned Judicial Magistrate, Thiruvaiyaru, imposing a punishment of three months imprisonment. The said order was confirmed by the appellate Court in C.A.No.24 of 2015, dated 06.07.2015 on the file of the learned III Additional District and Sessions Court, Thanjavur. The petitioner has challenged the said



order of conviction in Crl.R.C.(MD)No.330 of 2015 before this Court. By an order dated 06.11.2020, the conviction was confirmed by this Court.

3. Based upon the confirmation of conviction, the present impugned order has been passed by the fourth respondent on 14.11.2023 invoking Rule 17(c) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, imposing punishment of termination of service. This order is under challenge in the present writ petition.

4. According to the learned Counsel appearing for the writ petitioner, the petitioner was involved in a criminal case which was not connected with his employment and therefore, the authorities were not right in terminating the services of the writ petitioner, on the basis of the conviction order of the criminal Court. He further contended that the punishment order imposed by the disciplinary authority should be commensurate with the allegations made as against the writ petitioner.

5. I am not convinced with the submission of the learned Counsel appearing for the writ petitioner. As per 17(c) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, once a Government servant is convicted by the criminal Court, the disciplinary authority has no other option than to terminate



the service of the concerned employee, the question of differentiating the offences connected with the employment and not connected with the employment does not arise, while invoking rule 17(c) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

6. In such circumstances, this Court finds no merits in the writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

16.10.2024

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



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R.VIJAYAKUMAR, J.

RJR

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