



W.P.(MD)No.17847 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.17847 of 2019

and

W.M.P.(MD)No.14317 of 2019

M.A.Durai

... Petitioner

/Vs./

1.The State of Tamil Nadu,
Rep.By the Director,
Tamilnadu Fire and Rescue Service Department,
Chennai-8.

2.The Deputy Director,
Tamilnadu Fire and Rescue Service Department,
Southern Region, Madurai-1.

3.The Divisional Officer,
Tamilnadu Fire and Rescue Service Dept.,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling the records of 3rd respondent pertaining to his orders made in Pa.A.17/2013 , Na.Ka.No. 6467 / A / 2010 dated 01/02/2013 and in Pa.Aa.159/2013, Ni.Mu.No. 6467 / E / 2010 dated 25/07/2013 and quash the same, consequent to



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direct the respondents to reinstate the petitioner into service as Fireman with all attendant benefits.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.G.Suriya Ananth

Additional Government Pleader

ORDER

The petitioner has challenged the impugned orders dated 01.02.2013 and 25.07.2013 passed by the third respondent removing the petitioner from service as Fireman. The petitioner has been removed from service under the impugned orders only on the ground that he has been convicted for the offence under Section 498 A of IPC by a criminal Court.

2. It is now brought to the notice of this Court by the learned counsel appearing for the petitioner that subsequent to the filing of this writ petition, a criminal revision case in CrI.R.C.(MD)No.110 of 2013 was filed before this Court and by order dated 27.09.2018, the conviction order passed by the criminal Court was modified and the criminal



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revision case in CrI.R.C.(MD)No.110 of 2013 was disposed of by treating the 13 days jail period underwent by the petitioner, with a fine of Rs.5,000/- as punishment instead of two years rigorous imprisonment with a fine of Rs.5,000/-.

3. It is also brought to the notice of this Court by the learned counsel appearing for the petitioner that subsequent to the order passed by this Court in the criminal revision case in CrI.R.C.(MD)No.110 of 2013, a representation has been given by the petitioner to the respondents on 13.06.2023 seeking for his reinstatement and the said representation is yet to be considered.

4. Admittedly, subsequent to the passing of the impugned orders removing the petitioner from service as Fireman, the punishment imposed by the criminal Court, which is the basis for passing of the impugned orders has been modified by this Court in the criminal revision case in CrI.R.C.(MD)No.110 of 2013. Admittedly, a representation has also been given by the petitioner on 13.06.2023 to the respondents seeking for his reinstatement, due to the fact that the punishment



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imposed by the criminal Court has been modified by this Court in the criminal revision case in CrI.R.C.(MD)No.110 of 2013 filed by the petitioner. The petitioner has also claimed that he has an unblemished track record, in his representation dated 13.06.2023.

5. No prejudice will be caused to the respondents, if this writ petition is disposed of by directing them to consider the petitioner's representation dated 13.06.2023, in view of the subsequent development, in the light of the order passed by this Court in CrI.R.C.(MD)No.110 of 2013 dated 27.09.2018.

6. For the foregoing reasons, this writ petition is disposed of by directing the first respondent to pass final orders on merits and in accordance with law, on the petitioner's representation dated 13.06.2023 seeking for his reinstatement and for re-consideration of the impugned orders dated 01.02.2013 and 25.07.2013 passed by the third respondent, in the light of the order passed by this Court dated 27.09.2018 passed in CrI.R.C.(MD)No.110 of 2013, after affording one opportunity of hearing at the convenient time of the respondents to the petitioner, within a



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period of twelve weeks from the date of receipt of a copy of this order.

Liberty is also granted to the petitioner to approach this Court once again by filing separate proceedings, incase the respondents reject the petitioner's representation dated 13.06.2023 in the manner known to the petitioner under law. No costs. Consequently, connected miscellaneous petition is closed.

18.09.2024

Index : Yes / No

NCC : Yes / No

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TO:

- 1.The Director,
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ABDUL QUDDHOSE, J.

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Order made in
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Dated:
18.09.2024