



W.P.(MD)No.20698 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20698 of 2024

J.James Sathish Kumar

... Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
St. George Fort,
Chennai – 9.

2.The Director,
Public Health and Preventive Medicine,
DMS Complex,
Teynampet, Chennai – 6.

3.The Director,
Medical and Rural Health Services(ESI),
DMS Complex, Teynampet,
Chennai-6.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to reinstate the petitioner in service as Assistant Surgeon ESI, with all attendant benefits based on the petitioner's representation, dated 08.07.2024.



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For Petitioner : Mr.A.K.Baskara Pandiyan
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.S.Shanmugavel
Additional Government Pleader

* * * * *

ORDER

The instant writ petition has been filed by an Assistant Surgeon, who was working in the ESI Dispensary, Authoor, Tuticorin District, seeking a mandamus directing the second respondent to reinstate the petitioner in service based upon his representation dated 08.07.2024.

2.The petitioner herein was convicted for the offences under Section 307 of IPC @ 302, 120(b), 341 of IPC, by the 1st Additional Sessions Judge, City Civil Court, Chennai in S.C.No.348 of 2015, dated 04.08.2021. Based upon the said conviction, the second respondent herein has passed the order of dismissal on 28.12.2022, invoking rule 17(c)(i)(1) of the Tamil Nadu Civil Services(Discipline and Appeal) Rules.



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3.The petitioner herein has filed an appeal before the High Court in Crl.A.No.262 of 2022, the High Court was pleased to acquit the writ petitioner from all charges, by way of order dated 14.06.2024. Thereafter, the petitioner has sent a representation on 08.07.2024, seeking reinstatement. Since the said representation was not considered, the present writ petition has been filed.

4.According to the learned Additional Advocate General appearing for the respondents, the second respondent shall take an independent decision based upon the representation made by the writ petitioner herein.

5.Considering the above said facts, the second respondent herein is directed to consider the representation of the writ petitioner dated 08.07.2024 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above said observations, this writ petition stands disposed of.

No costs.

05.09.2024

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



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R.VIJAYAKUMAR, J.

RJR

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