



W.P.(MD) No.21154 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.21154 of 2017

and

W.M.P.(MD) No.17417 of 2017

X.Joseph Daniel

... Petitioner

-VS-

The District Manager
(Madurai South)
Tamil Nadu State Marketing
Corporation (TASMAC)
Kappalur, Madurai District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records from the respondent in Na.Ka.No. 500/05/A dated 04.11.2017 and quash the same.

For Petitioner : Mr.N.Sathish Babu

For Respondent : Mr.H.Arumugam
Standing Counsel



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ORDER

This writ petition has been filed challenging the impugned charge memo, dated 04.11.2017, issued by the respondent to the petitioner.

2. As seen from the impugned charge memo, the petitioner seems to have misappropriated certain sums of money and a condition has been imposed on him that if the said misappropriated money has not been repaid within seven days, he will be terminated from service.

3. The petitioner denies the charges levelled against him in this writ petition.

4. The petitioner, on receipt of the impugned charge memo, though denying the contentions of the same, deposited the money with the respondent within seven days as directed under the impugned charge memo, without prejudice to his rights. Thereafter, the petitioner was reinstated into service by the respondent, since the condition imposed under the impugned charge memo was satisfied. While passing the reinstatement order dated 17.12.2018, the respondent has stated in the said order, that the



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reinstatement of the petitioner into service is subject to the outcome of the criminal case, which was pending against him then, in C.C.No.134 of 2008.

5. It is now brought to the notice of this Court, through the additional typed set of papers filed by the petitioner, dated 24.09.2024, that the criminal case, which was earlier pending in C.C.No.134 of 2008, on the file of the learned Judicial Magistrate No.I, Madurai, has now been disposed of by Judgment dated 19.01.2023, under which the petitioner has been acquitted. Since the petitioner has been acquitted from the criminal case, learned counsel for the petitioner would submit that in terms of the reinstatement order, issued by the respondent dated 17.12.2018, the impugned charge memo, dated 04.11.2017, has to be quashed.

6. Learned Standing Counsel appearing for the respondent has not raised any serious objection to the same and he is also in agreement to the submissions made by the learned counsel for the petitioner before this Court in view of the subsequent development.

7. Since the criminal case, which was earlier pending against the petitioner before the learned Judicial Magistrate No.I, Madurai, in C.C.No.134



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of 2008, has now ended in acquittal by the Judgment of the Criminal Court dated 19.01.2023, the question of further proceeding with the impugned charge memo does not arise in view of the respondent's own statement made in the reinstatement order that the reinstatement of the petitioner into service is subject to the outcome of the criminal case, namely, C.C.No.134 of 2008, pending on the file of the learned Judicial Magistrate No.I, Madurai. Since the said criminal case has ended in acquittal, necessarily, the impugned charge memo, for the foregoing reasons, has to be quashed and this writ petition will have to be allowed.

8. Accordingly, this writ petition is allowed and the impugned charge memo, dated 04.11.2017, issued by the respondent, is hereby quashed. No costs. Consequently, connected miscellaneous petition is closed.

25.09.2024

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

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ABDUL QUDDHOSE, J.

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