

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.12975 of 2015

A.Xavier

...Petitioner

Versus

1.The District Collector
Nagapattinam
Nagapattinam District

2.The Commissioner
Panchayat Union
Kuthalam
Nagapattinam District

3.The Head Master
R.C.Pattavarthi Aided Middle School
Maanthai
Nagapattinam District

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent vide Na.Ka.No.492/2015/A5 dated 20.02.2015 and to quash the same and consequently direct the 2nd respondent to consider the petitioner's representation letter dated 08.04.2015 to allow the petitioner to join form service and grant consequential benefits.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.R.Rajeswaran, Spl.G.P. For R2
Mr.S.Gunasekaran, Govt.Advocate for R1

O R D E R

With the consent of both sides, the Writ Petition itself is taken up for final disposal.

2. The Petitioner is a Noon-Meal Organiser at Nakkampadi R.C.Pattavarthi aided Middle School. Pursuant to a complaint given by one Victoria Mary, a case was registered against the petitioner in Palaiyur Police Station, Nagapattinam District in Crime No.21/2015 for the offence under Section 294(b), 352 and 506(ii) IPC and hence, he was kept under suspension by the second respondent.

3. According to the petitioner, the registration of FIR has nothing to do with his employment in the School as Noon Meal Organiser. It is further contended by the petitioner that based on the complaint registered, he was arrested and remanded to custody and thereafter, he was released on bail; however, basing on that, he is placed under suspension.

4. The learned counsel for the petitioner states that there is no allegation against the petitioner with regard to his conduct of work in the Noon-Meal Centre. He has also submitted that the complaint in Cr.No.21/2015 was given by a person belonging to the same village, where, the petitioner was residing, due to animosity.

5. I have considered the submissions made by the learned counsel for the petitioner and also perused the F.I.R., that was produced before this Court. I have also perused the representation dated 08.04.2015 made by the petitioner to the second respondent seeking to revoke his suspension.

6. Accordingly, the Writ Petition is disposed of directing the second respondent to pass orders on the representation of the petitioner dated 08.04.2015 for revocation of suspension, by taking into consideration the aforesaid facts, within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

nvsri

To

1.The District Collector
Nagapattinam
Nagapattinam District

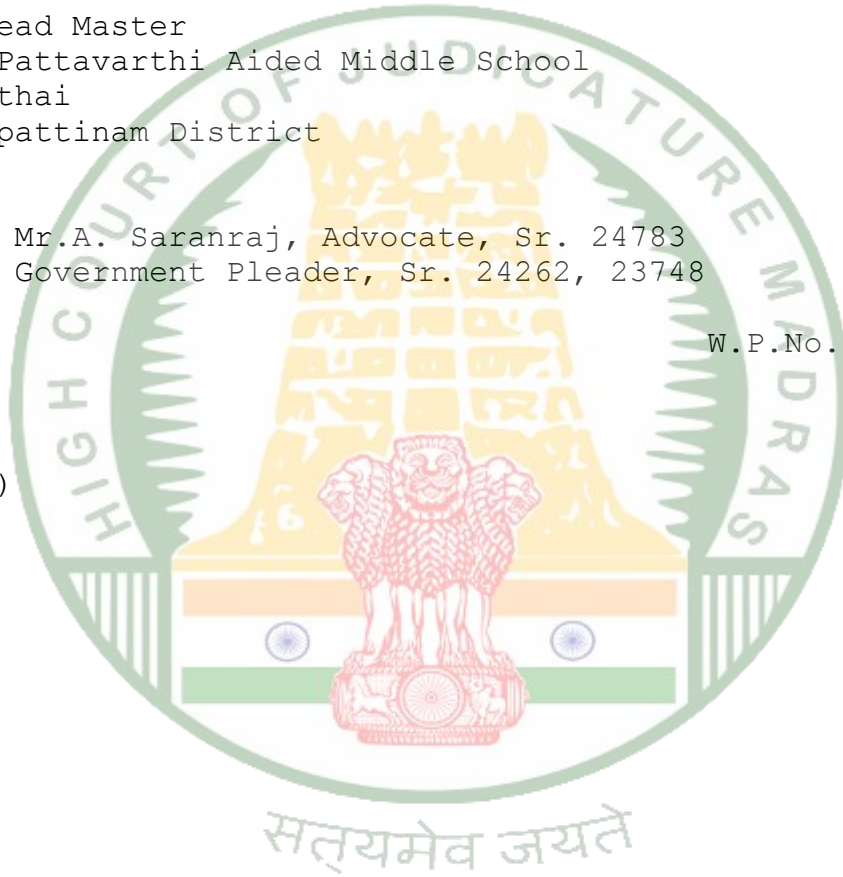
2.The Commissioner
Panchayat Union
Kuthalam
Nagapattinam District

3.The Head Master
R.C.Pattavarthi Aided Middle School
Maanthai
Nagapattinam District

1 cc to Mr.A. Saranraj, Advocate, Sr. 24783
2 cc to Government Pleader, Sr. 24262, 23748

W.P.No.12975 of 2015

KJI (CO)
kk 19/5



WEB COPY