

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35992 of 2015

and

M.P.No.1 of 2015

D.Moorthy

..Petitioner

Vs.

1. The District Collector, (Development)
Namakkal District, Namakkal.

2. Block Development Officer,
Mallasamuthiram,
Namakkal District.

.. Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first Respondent to induct the petitioner into the service as "Secretary, Vandinatham Village Panchayat with all consequential service benefits.

For Petitioner : Mr.V.Vijayakumar

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner would contend that he joined the service of the respondent as Panchayat clerk on 10.05.1999. Later, he was promoted as Secretary to Vandinatham Panchayat of Mallasamuthiram Village Union, Thiruchengode Taluk, Namakkal District in the year 2011. He was suspended from service on 29.05.2012 by the second respondent for alleged misappropriation of funds and a disciplinary proceeding was initiated by the respondents. He was punished by cancelling increments for two years with cumulative effects vide

Na.Ka.No.28496/2014/T1 dated 27.05.2015.

3. The learned counsel for the petitioner would further contend that he did not prefer any appeal against the findings of the disciplinary proceedings and on the other hand, he has been making representation to the second respondent since June, 2015. The second respondent had enquired about the criminal case pending against him. But, it was not yet considered. Hence, the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. This Court, in the light of the above facts and circumstances, permits the petitioner to submit one more representation to the first respondent by enclosing a copy of this order as well as copy of his earlier representation within a period of two weeks from the date of receipt of a copy of this order. The first respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law, and pass appropriate orders within a period of eight weeks therefrom and communicate the decision taken by him to the petitioner.

With the above said directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-sd/-

ASSISTANT REGISTRAR

/ TRUE COPY /

Sub-Assistant Registrar

sms
To

1. The District Collector, (Development)
Namakkal District, Namakkal.

2. Block Development Officer,
Mallasamuthiram,
Namakkal District.

+1 CC TO M/S.K.ANBARASAN, ADVOCATE SR.NO. 61316

+1 CC TO THE GOVERNMENT PLEADER SR.NO. 61756

W.P.No.35992 of 2015
and

VD[CO]
SD 11/12/2015

M.P.No.1 of 2015