



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2015

CORAM:

THE HONOURABLE Dr. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A. (MD) No.1396 of 2014

and

M.P. (MD) No.1 of 2014

Deivanai

... Appellant/Petitioner

Vs.

1.The Regional Director of Municipal Administration,
Salem Zone, Salem.

2.The Commissioner,
Kulithalai Municipality,
Kulithalai, Karur District.

... Respondents/Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order of this Court dated 31.10.2014 passed in W.P. (MD) No.17600 of 2014.

WP (MD) No.17600 of 2014 : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to calling for the records of the Impugned Suspension order Na.Ka. No. 1084/2014/H1, dated 28.08.2014 passed by the second respondent and quash the same.

For Appellant : Mr.R.Murugappan

For Respondents: Mr.A.K.Baskara Pandian, Spl.G.P.for R1

Mr.M.Rajarajan, Government Advocate for R2

JUDGMENT

(Judgment of this Court was delivered by S.TAMILVANAN,J.)

Heard the learned counsel appearing for the appellant as well as the learned Special Government Pleader appearing for the first respondent.

2.Challenging the order dated 31.10.2014 passed by the Learned Single Judge of this Court in W.P.(MD) No.17600 of 2014, this Writ Appeal has been preferred.



3. In the aforesaid Writ petition, the Learned Single Judge has held as follows:

"4. In view of the above, this Court is of the considered view that the petitioner, for the very same relief, which was already rejected by this Court on 09.10.2014, cannot be allowed to frequently visit this Court. Therefore, the present Writ petition is dismissed."

4. Learned Special Government Pleader appearing for the first respondent submitted that without prejudice to the claim of the petitioner, she was reinstated in service, being a Sweeper under the second respondent. In support of his contention, the learned Special Government Pleader produced a copy of the proceedings dated 14.01.2015 in Na.Ka.No.1084/2014/H1. Hence, the said factum is recorded.

5. Having considered the fact that the petitioner has been reinstated in service by the second respondent by his proceeding dated 14.01.2015, we find it just and reasonable to dispose of the Writ Appeal.

6. Accordingly, the appeal is disposed without prejudice to the claim of both the parties and the appellant is directed to cooperate with the respondents in disposing the enquiry proceeding.

7. With the above observation, the Writ Appeal is disposed of. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub-Assistant Registrar

To

1. The Regional Director of Municipal Administration,
Salem Zone, Salem.

2. The Commissioner, Kulithalai Municipality, Kulithalai,
Karur District.

+One cc to Mr. M. Rajarajan, Advocate, SR.No.2239

+One cc to Mr. R. Murugappan, Advocate, SR.No.2166

+One cc to The Special Government Pleader, SR.No.2539

nbj

RL/6 c- 11/2/2015

W.A. (MD) No.1396 of 2014