

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22265 of 2015

&

M.P.Nos.1 & 3 of 2015

K.Selvaraj

... Petitioner

Vs

1. The District Collector
Villupuram District,
Villupuram.
2. The Block Development Officer
Town Panchayat, Mugaiyur,
Manampoondi.
3. The Personal Assistant [Welfare]
District Collector, Villupuram.
4. K.Mayilammal
President,
Thirukovilur Taluk,
Villupuram District.
5. The President
Villamputhur Village Panchayat
Mugaiyur Panchayat,
Villupuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 4th and 5th respondents to implement the order passed by the 1st and 2nd respondents in their proceedings in Na.Ka.No.PT3/7272/2013 dated 23.06.2014 and Na.Ka.No.AA2/50/2012 dated 12.03.2015 and permit the petitioner to join the duty as Assistant either at Senkunnam Village Panchayat Union or Villamputhur Village Panchayat.

For Petitioner : Mr.S.Venkatesh

For R1 & R3 : Mr.P.Sanjay Gandhi,
Additional Government Pleader

For RR 2, 4 & 5 : Mr.R.Rajendra Narasiman

ORDER

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

2. The petitioner would state that he was appointed as an Assistant in the services of Senkunnam Village Panchayat and claims to have rendered hard, sincere and blemishless service till the order of suspension dated 05.02.2013. Subsequently, a Charge Memo was issued on 10.12.2013. The petitioner in response to the said charge memo, submitted the written statement/defence on 02.01.2014 and the 1st respondent, vide proceedings dated 23.06.2014, communicated to the 3rd respondent, had imposed a punishment of stoppage of increment for a period of one year and thereafter, the order of suspension was revoked and the petitioner was directed to join duty in the same post in the services of the 4th respondent. However, the petitioner was not permitted to join duty by the 4th respondent and the 2nd respondent has also informed the petitioner that the 4th respondent had also filed a writ petition against the petitioner, challenging the order of revocation of the order of suspension, passed by the 1st respondent. It is the claim of the petitioner that the 4th respondent is having a particular political affiliation and as such, he is preventing the petitioner from joining duty and therefore, the petitioner is constrained to approach this Court, by filing the present writ petition.

3. The learned counsel for the petitioner has drawn the attention of this Court to the proceedings of the 2nd respondent dated 23.04.2015 in Na.Ka.No.AA2/50/2012, addressed to the 4th respondent and would submit that despite a positive direction, directing the 4th respondent to permit the petitioner to join duty as the Secretary, which was also followed by an Urgent Memo dated 26.05.2015 issued by the 3rd respondent on behalf of the 5th respondent, directing the respondents 4 and 5 to appear for an enquiry, it has not been complied with and hence, the petitioner came forward to file the present writ petition.

4. Heard the submissions of Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents 1 and 3 and Mr.R.Rajendra Narasiman, learned counsel appearing for the respondents 2, 4 and 5 and perused the materials placed before it.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondents 4 and 5 to act on the communication of the 2nd respondent dated 23.04.2015 in Na.Ka.No.AA2/50/2012 within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition stands disposed of with the above direction. No costs. Consequently, the connected Miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Villupuram District,
Villupuram.
2. The Block Development Officer
Town Panchayat,
Mugaiyur, Manampoondi.
3. The Personal Assistant [Welfare]
District Collector,
Villupuram.
4. The President
Villamputhur Village Panchayat
Mugaiyur Panchayat,
Villupuram District.

+1cc to the Government Pleader, S.R.No.73308

सत्यमेव जयते W.P.No.22265 of 2015

SSR(CO)
CA(09/01/2017)

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