



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.15786 of 2016

and

W.M.P (MD) Nos.11581 and 11582 of 2016

M.Murugesan

... Petitioner

vs.

1)The Commissioner of Municipal Administration,
Chepauk, Chennai-05.

2)The Commissioner,
Kadayanallur Municipality,
Kadayanallur Post-627 751,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned suspension order issued by the 2nd respondent in proceedings Na.Ka.No.7108/2011/C1 dated 15.11.2011 and quash the same and consequently direct the respondents to reinstate the petitioner in service with all attendant and monetary and other benefits.

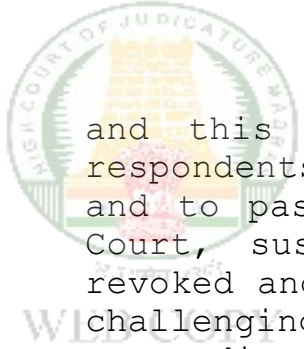
For Petitioner : Mr.K.Raja

For R1 : Mrs.S.Bharathi,
Additional Government Pleader

For R2 : Mr.P.Srinivas

ORDER

The petitioner was initially appointed as NMR in Kadayanallur Municipality; thereafter, he was absorbed as Revenue Assistant on 31.10.2000; while so, the 2nd respondent by proceedings dated 15.11.2011 placed the petitioner under suspension, alleging that a criminal case in Crime No.2/2011 by the Vigilance and Anti-corruption Police is pending against the petitioner; the petitioner made representations on 24.03.2012 and 02.05.2012 seeking revocation of suspension; as no orders were passed on the said representations, the petitioner filed W.P(MD)No.6839 of 2012



and this Court, by the order dated 14.03.2014, directed the respondents therein, to consider the petitioner's representations and to pass orders within six weeks; despite the orders of this Court, suspension of the petitioner has not been reviewed or revoked and therefore, the petitioner has filed this writ petition challenging the suspension order issued by the 2nd respondent in proceedings Na.Ka.No.7108/2011/C1 dated 15.11.2011 to quash the same and consequently to direct the respondents to reinstate him in service with all attendant and monetary and other benefits.

2.The learned Government Advocate appearing for the respondents has produced the proceedings of the Commissioner, Kadayanallur Municipality in Na.Ka.No.7108/2011/C1, dated 07.09.2016, addressed to the Regional Director of Municipal Administration, Tirunelveli, wherein, it has been stated that the petitioner, Revenue Assistant can be accommodated in the nearby Municipality in the same post and necessary posting order to that effect would be issued.

3.In view of the abovesaid proceedings dated 07.09.2016 of the Commissioner, Kadayanallur Municipality, the 2nd respondent is directed to issue posting order to the petitioner in terms of the proceedings dated 07.09.2016, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, W.M.P(MD)Nos.11581 and 11582 of 2016 are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

nbi
To

1)The Commissioner of Municipal Administration,
Chepauk, Chennai-05.

2)The Commissioner,
Kadayanallur Municipality,
Kadayanallur Post-627 751,
Tirunelveli District.

+1cc to Mr.K.Raja, Advocate Sr.No. 51046
+1cc to Spl.Government Pleader Sr.No. 51484
+1cc to Mr.P.Srinivas, Advocate Sr.No.51376

JAM/11.11.16/GSV-PM/2p-6c

W.P(MD)No.15786 of 2016