



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) Nos.6732 to 6740, 6741 to 6747, 6334, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3677, 3678, 3679, 3681, 3682, 3683, 3684, 3685, 3686, 5121 of 2016 and

W.M.P (MD) Nos.5558, 2702 to 2724, 3296, 3298, 330, 3303, 3305, 3307, 3309, 3311, 3313, 4564 and 5291 of 2016

S.Subramanian	... Petitioner in W.P. (MD) No.6732/2016
P.Ramamurthy	... Petitioner in W.P. (MD) No.6733/2016
D.Sivasankar	... Petitioner in W.P. (MD) No.6734/2016
M.Chellaiah	... Petitioner in W.P. (MD) No.6735/2016
S.Raghunath	... Petitioner in W.P. (MD) No.6736/2016
M.Ganesan	... Petitioner in W.P. (MD) No.6737/2016
M.Petchimuthu	... Petitioner in W.P. (MD) No.6738/2016
S.Kumaran	... Petitioner in W.P. (MD) No.6739/2016
A.Babu	... Petitioner in W.P. (MD) No.6740/2016
G.Prem Kumar	... Petitioner in W.P. (MD) No.6741/2016
S.Veilumuthu	... Petitioner in W.P. (MD) No.6742/2016
C.Sandanakumar	... Petitioner in W.P. (MD) No.6743/2016
M.Gynanendran	... Petitioner in W.P. (MD) No.6744/2016
U.Sorimuthu	... Petitioner in W.P. (MD) No.6745/2016
P.Ramesh	... Petitioner in W.P. (MD) No.6746/2016
V.Raju	... Petitioner in W.P. (MD) No.6747/2016
R.Moorthy	... Petitioner in W.P. (MD) No.6334/2016
P.Ganesan	... Petitioner in W.P. (MD) No.3077/2016
S.Ambethkar	... Petitioner in W.P. (MD) No.3078/2016
M.Raj	... Petitioner in W.P. (MD) No.3079/2016
S.Esakki	... Petitioner in W.P. (MD) No.3080/2016
S.Kamalanathan	... Petitioner in W.P. (MD) No.3081/2016
V.Sudalaimuthu	... Petitioner in W.P. (MD) No.3082/2016
I.Shahabudeen	... Petitioner in W.P. (MD) No.3083/2016
S.Arumugam	... Petitioner in W.P. (MD) No.3084/2016
S.Baskar	... Petitioner in W.P. (MD) No.3085/2016
V.Ganesh	... Petitioner in W.P. (MD) No.3086/2016
M.Sundararajan	... Petitioner in W.P. (MD) No.3087/2016
S.Velmurugan	... Petitioner in W.P. (MD) No.3088/2016
S.Gopinath	... Petitioner in W.P. (MD) No.3677/2016
S.Papanasam	... Petitioner in W.P. (MD) No.3678/2016
H.Premkumar	... Petitioner in W.P. (MD) No.3679/2016
M.Velusamy	... Petitioner in W.P. (MD) No.3681/2016
K.Sekar	... Petitioner in W.P. (MD) No.3682/2016
G.Senthil Murugan	... Petitioner in W.P. (MD) No.3683/2016
A.Sekar	... Petitioner in W.P. (MD) No.3684/2016



R.Velladurai
P.Mariappan
M.Shanmuga Sundari

... Petitioner in W.P.(MD)No.3685/2016
... Petitioner in W.P.(MD)No.3686/2016
... Petitioner in W.P.(MD)No.5121/2016

Vs

The Executive Officer,
Naranamammalpuram Selection Grade Town Panchayat,
Naranamammalpuram, Tirunelveli District.

... Respondent in W.P.(MD)Nos.6732 to 6736,6738,6740/2016

The Executive Officer,
Tiruvengadam Town Panchayat, Tirunelveli District.

... Respondent in W.P.(MD)No.6737/2016

The Executive officer,
Sengkottapudur Town Panchayat, Tirunelveli District.

... Respondent in W.P.(MD)No.6739/2016

The Executive Officer,
Mukkudal Selection Grade Town Panchayat,
Tirunelveli District.

... Respondent in W.P.(MD)No.6741 to 6743/2016

The Executive Officer,
Rayagiri Town Panchayat, Tirunelveli District.

... Respondent in W.P.(MD)No.6744/2016

The Executive Officer,
Pathamadai Town Panchayat, Tirunelveli District.

... Respondent in W.P.(MD)No.6745/2016

The Executive Officer,
Gopalasamudiram Town Panchayat, Tirunelveli District.

... Respondent in W.P.(MD)No.6746/2016

The Executive Officer,
Sankar Nagar Special Grade Town Panchayat,
Tirunelveli District.

... Respondent in W.P.(MD)No.6747/2016

1.The District Collector, Tirunelveli District.
2.The Assistant Director of Panchayat, Collectorate, Tirunelveli.
3.The Executive Officer, Rayagiri Town Panchayat,
Sivagiri Taluk, Tirunelveli District.

... Respondents in W.P.(MD)No.6334/2016

The Commissioner, Puliyanakudi Municipality,
Puliyanakudi, Tirunelveli District.

... Respondent in W.P.(MD)Nos.3077,3677,3678,3679,3681,
3682,3683,3684,3685,3686 and 5121/2016



The Commissioner, Sankarankoil Municipality,
Sankarankoil, Tirunelveli District.

... Respondent in W.P.(MD)Nos.3078 and 3079/2016

The Commissioner, Ambasamudiram Municipality,
Ambasamudiram, Tirunelveli District.

... Respondent in W.P.(MD)Nos.3080,3083 to 3085,
3087,3088/2016

The Executive Officer,
Manimutharu Special Grade Town Panchayat,
Manimutharu, Tirunelveli District.

... Respondent in W.P.(MD)Nos.3081 and 3082/2016

The Executive Officer,
Thisayanvilai Town Panchayat,
Thisayanvilai, Tirunelveli District.

... Respondent in W.P.(MD)No.3086/2016

Prayer in WP(MD). 6732 to 6736/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondent to review the order of suspension dated 23.12.2015 on completion of 3 months period in the light of Government letter dated 23.07.2015.

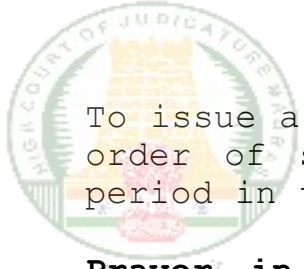
Prayer in WP(MD). 6737/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondent to review the order of suspension dated 21.12.2015 on completion of 3 months period in the light of Government letter dated 23.07.2015.

Prayer in WP(MD). 6738/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent to review the order of suspension dated 12.01.2016 on completion of 3 months period in the light of government letter dated 23.07.2015.

Prayer in WP(MD). 6739/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondent to review the order of suspension dated 11.01.2016 on completion of 3 months period in the light of Government letter dated 23.07.2015.

Prayer in WP(MD). 6740/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondent to review the order of suspension dated 12.01.2016 on completion of 3 months period in the light of Government letter dated 23.07.2015.

Prayer in WP(MD). 6741 and 6742/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court



To issue a Writ of Mandamus directing the respondent to review the order of suspension dated 17.11.2015 on completion of 3 months period in the light of government letter dated 23.07.2015.

Prayer in WP(MD). 6743/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus by directing the respondent to review the order of suspension dated 28.12.2015 on completion of 3 months period in the light of Government letter dated 23.07.2015.

Prayer in WP(MD). 6744/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent to review the order of suspension dated 01.12.2015 on completion of 3 months period in the light of government letter dated 23.07.2015.

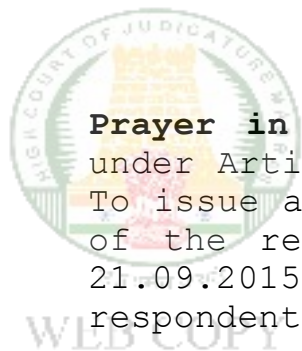
Prayer in WP(MD). 6745/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondent to review the order of suspension dated 18.01.2016 on completion of 3 months period in the light of Government letter dated 23.07.2015.

Prayer in WP(MD). 6746/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus by directing the respondent to review the order of suspension dated 11.12.2015 on completion of 3 months period in the light of Government letter dated 23.07.2015.

Prayer in WP(MD). 6747/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent to review the order of suspension dated 23.12.2015 on completion of 3 months period in the light of government letter dated 23.07.2015.

Prayer in WP(MD). 6334/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the proceeding in Na.Ka.No.244/2015 dated 01.12.2015 on the file of the Executive Officer, Rayagiri Town Panchayath, Sivagiri Taluk, Tirunelveli District and quash the same and consequently direct the 3rd respondent to complete the enquiry within a stipulated period.

Prayer in WP(MD). 3077/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the respondent in its proceeding Na.Ka.No.1398/2015/C1 dated 09.10.2015 and quash the same and consequently direct the respondent to reinstate the petitioner back into service.



Prayer in WP(MD). 3078 and 3079/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the respondent in its proceeding Na.Ka.No.1519/2015/C1 dated 21.09.2015 and quash the same and consequently direct the respondent to reinstate the petitioner back into service.

Prayer in WP(MD). 3080/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus by calling for the records of the respondent in its proceeding Na.Ka.No.C1/196/2015 dated 14.12.2015 and quash the same and consequently direct the respondent to reinstate the petitioner back into service.

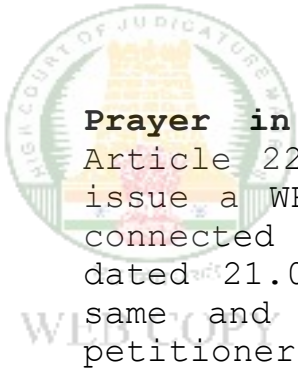
Prayer in WP(MD). 3081 and 3082/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the respondent in its proceeding Na.Ka.No.331/2015/A1 dated 01.12.2015 and quash the same and consequently direct the respondent to reinstate the petitioner back into service.

Prayer in WP(MD). 3083 to 3085/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the respondent in its proceeding Na.Ka.No.C1/196/2015 dated 14.12.2015 and quash the same and consequently direct the respondent to reinstate the petitioner back into service.

Prayer in WP(MD). 3086/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus by calling for the records of the respondent in its proceeding Na.Ka.No.186/2015 dated 07.12.2015 and quash the same and consequently direct the respondent to reinstate the petitioner back into service.

Prayer in WP(MD). 3087 and 3088/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the respondent in its proceeding Na.Ka.No.C1/196/2015 dated 14.12.2015 and quash the same and consequently direct the respondent to reinstate the petitioner back into service.

Prayer in WP(MD). 3677 to 3679, 3681 to 3686/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the impugned order issued by the respondent herein in Na.Ka.No.1398/2015/C1 dated 09.10.2015 QUASH THE SAME and further direct the respondent herein to reinstate the petitioner back into service with all attendant benefits including salary.



Prayer in WP(MD). 5121/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records connected with the proceedings issued in Na.Ka.no.1398/2015/C1 dated 21.09.2015 passed by the Respondent herein and quash the same and consequently direct the Respondent to reinstate the petitioner into service with all attendant benefits.

For Petitioner : Mr.V.Vijay Shankar
in WPs.6732 to 6740,6741 to 6747/2016
and 3077 to 3088/2016

Mr.S.Sivathilakar
in WP.6334/2016

Mr.EVN.Siva
in Wps.3677,3678,3679/2016

Mr.Ajith Geethan
in Wps.3681,3682,3683,3684,3685,
3686/2016

Mr.Ilamvaludhi
in WP.5121/2016

For Respondent : Mr.G.Muthukannan,
Government Advocate.
In Wps.6732 to 6740 & 6741 to 6747/2016
3081,3082,3086/2016

Mr.Sateshkumar,
Additional Government Pleader
For Respondents 1 & 2

Mr.V.Pandy,
Government Advocate
For 3rd Respondent in WP.6334/2016

Mr.Athimoolapandian
in Wps.3077,3080,3083,3084,3085,3087
3088/2016

Mr.T.S.Mohamed Mohideen,
Additional Government Pleader
in Wps.3677,3678,3679,3681,3682,3683
3684,3685,3686 and 5121/2016

Mr.P.Mahendran
in Wps.3078,3079/2016



The petitioners in all the writ petitions are all class-IV employees of the municipality and town panchayat. It is alleged that the petitioners have produced forged physical disability certificate and got employment under disability category. Later, the respondents had found that the certificates produced by the petitioners were of forged one and they have gained employment clandestinely. Therefore, the said employees were issued with the order of suspension. On receipt of the said order of suspension, the petitioners were rushed to this Court and while entertaining two or three writ petitions, this Court granted stay which was subsequently vacated.

2.The respondents filed counter affidavit along with the status report filed by the CBCID, Tirunelveli in Crime No.3 of 2015. The said enquiry proceedings is said to be pending. It is stated that there are more than 272 persons recruited in this manner from Tirunelveli, Kanyakumari, Virudhunagar and Tuticorin Districts.

3.Learned counsel appearing for the petitioners submitted in every case, charge memo has been issued and in few matters, the petitioners have not yet received, as it was issued only on 07.04.2016.

4.At this stage, this Court cannot interfere in any of these matters as the petitioners have to submit their explanation on the charge memo before the authorities concerned. It is only for the authorities to decide whether the said proceedings should continue with the enquiry or not. Further, in many cases, after the order of suspension was passed even beyond the period of three months, no charge memo has been issued. Hence, the petitioners relied on the decision of the Supreme Court in Ajay Kumar Choudhary Vs.Union of India through its Secretary and another reported in (2015) 7 SCC 291 and submitted that if the charge sheet or memo of charges have to be served, then a reasoned order must be passed for the extension of the suspension. It is further submitted that following the said judgment, the Government have issued a circular to all the Heads of the Departments to review the orders issued by them on their own merits and to abide by the time granted in the said judgment.

5.Now it is uniformly submitted that since charge memo has been issued in all the cases, the explanation to be submitted by them may be considered by the authorities concerned.

6.In view of the limited prayer sought by the petitioners, the petitioners shall submit their explanation for the said charges within two weeks from the date of receipt of a copy of this order. On such explanation being filed, the respondent authorities shall consider the same and pass



appropriate orders after affording a reasonable opportunity to all the petitioners within a period of three months thereafter. The respondent authorities shall also pay subsistence allowance forthwith, if it is not already paid.

7. The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

TO

1. The Executive Officer,
Naranamammalpuram Selection Grade Town Panchayat,
Naranamammalpuram,
Tirunelveli District.

2. The Executive Officer,
Tiruvengadam Town Panchayat,
Tirunelveli District.

3. The Executive officer,
Sengkottapudur Town Panchayat,
Tirunelveli District.

4. The Executive Officer,
Mukkudal Selection Grade Town Panchayat,
Tirunelveli District.

5. The Executive Officer,
Rayagiri Town Panchayat,
Sivagiri Taluk, Tirunelveli District.

6. The Executive Officer,
Pathamadaai Town Panchayat,
Tirunelveli District.

7. The Executive Officer,
Gopalasamudiram Town Panchayat,
Tirunelveli District.

8. The Executive Officer,
Sankar Nagar Special Grade Town Panchayat,
Tirunelveli District.

9. The District Collector, Tirunelveli District.



10.The Assistant Director of Panchayat,
Collectorate, Tirunelveli.

11.The Commissioner,
Puliyankudi Municipality,
Puliyankudi, Tirunelveli District.

12.The Commissioner,
Sankarankoil Municipality,
Sankarankoil, Tirunelveli District.

13.The Commissioner,
Ambasamudiram Municipality,
Ambasamudiram, Tirunelveli District.

14.The Executive Officer,
Manimutharu Special Grade Town Panchayat,
Manimutharu, Tirunelveli District.

15.The Executive Officer,
Thisayanvilai Town Panchayat,
Thisayanvilai, Tirunelveli District.

+27ccs to Mr.V.Karthikeyan, Advocate, Sr.Nos.20762, 20763, 20765

+1cc to Mr.P.Mahendran, Advocate, Sr.No.20534

+3cc to Mr.EVN.Siva, Advocate, Sr.Nos20163, 20164, 20165

+6cc to Mr.Ajith Geethan, Advocate, Sr.Nos.20157, 20158, 20159,
20160, 20161 and 20162

+1cc to Mr.T.S.Mohamed Mohidheen, Advocate, Sr.No.20264

+1cc to Mr.S.Ilamvaludhi, Advocate, Sr.No.20090

+1cc to Mr.S.Siva Thilagar, Advocate, Sr.No.20170

+1cc to the Special Government Pleader, Sr.No.19682

sms

JM/AN-MP/SAR-I/04.05.2016/10P-57C

Writ Petition (MD) Nos.6732 to 6740,6741 to 6747, 6334, 3077,3078,
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and W.M.P(MD)Nos.5558, 2702 to 2724,3296, 3298, 330, 3303, 3305,
3307, 3309,3311, 3313, 4564 and 5291 of 2016