



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE J.NISHA BANU

Writ Appeal (MD).No.357 of 2013 against WP(MD)No.9561 of 2010
and
M.P.(MD).No.1 of 2013

P.Ragunathan

... Appellant/Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Executive Officer,
Otthanchathiram Town Panchayat,
Otthanchathiram,
Dindigul District.

...Respondents/Respondents

Prayer: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order passed by this Court in W.P.(MD).No.9561 of 2010 dated 26.07.2010.

Prayer in WP(MD). 9561/ 2010 :

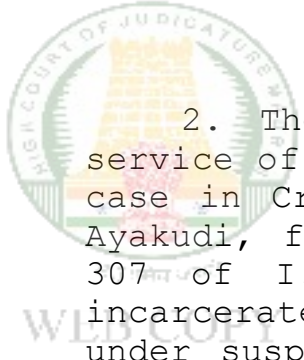
Writ Petition filed under Article 226 of the Constitution of India, to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the 1st respondent proceedings in ROC. No. 3661/2009/TP2 dt. 2.11.2009 and quash the same and direct the respondents to appoint the petitioner as Bill Collector.

For Appellant	:	Mr.K.P.Narayana Kumar
For R1	:	Mr.R.Velmurugan
		Government Advocate
For R2	:	Mr.J.Parek Kumar for
		Mr.P.Srinivas

J U D G M E N T

(Judgment of the Court was made by M.SATHYANARAYANAN, J.)

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



2. The petitioner while working as Bill Collector in the service of Ottanchatiram Town Panchayat said to have involved in a case in Crime No.338 of 2009 registered by Inspector of Police, Ayakudi, for the alleged commission of the offence under Section 307 of I.P.C., and other offences and he was arrested and incarcerated for a period of 48 days and therefore, he was placed under suspension vide order dated 02.11.2009 and challenging the same, the petitioner has filed W.P.(MD).No.9561 of 2010 and the said writ petition was dismissed on 26.07.2010, observing that as long as the power has been exercised properly, the Court cannot be interfered with. Aggrieved by the dismissal of the writ petition, the petitioner has filed the present writ appeal.

3. Mr.K.P.Narayana Kumar, the learned counsel appearing for the appellant/writ petitioner would contend that subsequently, the suspension order was revoked and the criminal case was also ended in acquittal and the petitioner has also been reinstated in service, but yet to be conferred with other consequential benefits on account of his reinstatement and hence prays for appropriate orders.

4. Heard the submission of Mr.K.P.Narayana Kumar, the learned counsel appearing for the appellant/petitioner, Mr.R.Velmurugan, the learned Government Advocate appearing for the first respondent / District Collector, Dindigul and Mr.J.Parek Kumar, the learned counsel appearing for the second respondent and perused the typed set of papers.

5. In the light of the fact that the suspension order passed against the petitioner has been revoked and after the criminal case ended in acquittal, he has also been reinstated in service, this Court is of the view that nothing survives for adjudication in this writ appeal and therefore, the writ appeal is dismissed. However, the petitioner is aggrieved by the fact that after his reinstatement, yet to be conferred with other consequential benefits, he is always at liberty to submit a representation and on receipt of the same, the second respondent is directed to consider the same on merits and in accordance with law and pass orders as expeditiously as possible. There will be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.



To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Executive Officer,
Otthanchathiram Town Panchayat,
Otthanchathiram,
Dindigul District.

+1CC to M/S. P.Srinivas, Advocate, SR.No. 61056

+1CC to M/S.K.P.Narayanakumar, Advocate, SR.No. 61319

+1CC to the Special Government Pleader, SR.No. 61252

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AM/MPA/22.11.2016/3P/6C