

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.31441 of 2017 and
WMP.Nos.34552 and 34553 of 2017

A.Elumalai

...Petitioner

Versus

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Personal Assistant to
District Collector (Development),
Office of District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3. The Block Development Officer
(Village Panchayat),
Thurinjapuram Panchayat Union,
Tiruvannamalai District.

.... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent relating to the order issued in Na.Ka.No.9465/2016/PE2 dated 16.05.2017 and quash the same and consequently, direct the respondents to reinstate the petitioner into service with all consequential service and monetary benefits.

For Petitioner

: Mr.R.Chandrasekaran

For Respondents

: Mr.V.Jayaprakash Narayanan

1 and 2

Spl.GP

For 3rd respondent

: Mr.S.Navaneethan, AGP

O R D E R

Challenging the suspension order dated 16.5.2017 issued against the petitioner by the 2nd respondent, the present Writ Petition has been filed.

2. Heard the learned Counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Counsel appearing for the 3rd respondent.

3. In this Writ Petition, this Court has passed the following order on 05.12.2017:

'This writ petition has been filed questioning the impugned order of suspension dated 16.5.2017 passed by the PA to the District Collector (Development), Tiruvannamalai, the second respondent herein placing the petitioner under suspension, on the ground that he has not even come forward to produce the documents sought for in various communications addressed to him.

2. Learned counsel for the petitioner submitted that after the petitioner's appointment as Panchayat Assistant in Vendanthavadi Panchayat on 3.2.98 on consolidated pay, by an order passed by the President of the Panchayat based on the resolution No.5/56, he joined duty to collect the taxes that are being imposed by the Panchayat, to maintain accounts and also to carry out the other works which are implemented by the Government from time to time. But all of a sudden, he was placed under suspension. Aggrieved by the same, the petitioner filed W.P.No.15186 of 2017 before this Court and an order of stay was granted by this Court against the order of suspension. During the pendency of the writ petition, he was advised to withdraw the writ petition on the promise given by the respondents that he would be reinstated in service, if he comes back after withdrawing the writ petition. Believing the assurance given by the respondents, he withdrew the writ petition on 10.7.2017. Again they refused to give him employment. Once again when he put more pressure for his reinstatement, the second respondent has passed the impugned order suspending the petitioner on the ground that he refused to produce the relevant documents. As the petitioner has passed SSLC, HSC in the regular stream and is able to produce the certificates, the respondents cannot doubt their genuineness. The learned counsel for the petitioner also produced the appointment order dated 3.2.98 issued by the President of the Vendanthavadi Panchayat. When all the documents are readily available, the petitioner is prepared to produce the same before the respondents. Therefore, a direction may be issued to the respondents to reinstate him in service.

3. Heard the learned Special Government Pleader for the respondents 1 & 2 and the learned Additional Government Pleader for the respondent no.3.

4. When the petitioner is prepared to produce the SSLC and HSC marksheets along with the appointment order issued by the respondents dated 3.2.98, the respondents are directed to consider the case of the petitioner for reinstatement.''

4. Pursuant thereto, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Counsel for the 3rd respondent submitted that if the petitioner is prepared to produce the five documents, namely, 1. Village Panchayat Appointment Committee Meeting Minutes Register, 2. Village Panchayat Council Meeting Agenda Register, 3. Village Panchayat Council Meeting Minutes, 4. Appointment Order issued by Vedanthavadi Village Panchayat President and 5. Cash Books and Acquaintances for salary drawn by him, then the respondents would take a final decision in reinstating him in service.

5. Placing on record the said statement of the learned Counsel for the respective respondents, the Writ Petition is disposed of directing the petitioner to produce the above mentioned five documents to the 2nd respondent, within a period of one week from the date of receipt of a copy of this Order and on receipt of the same, the 3rd respondent shall pass final orders within a period of ten days thereafter. No costs. Consequently, connected Miscellaneous Petitions are also closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

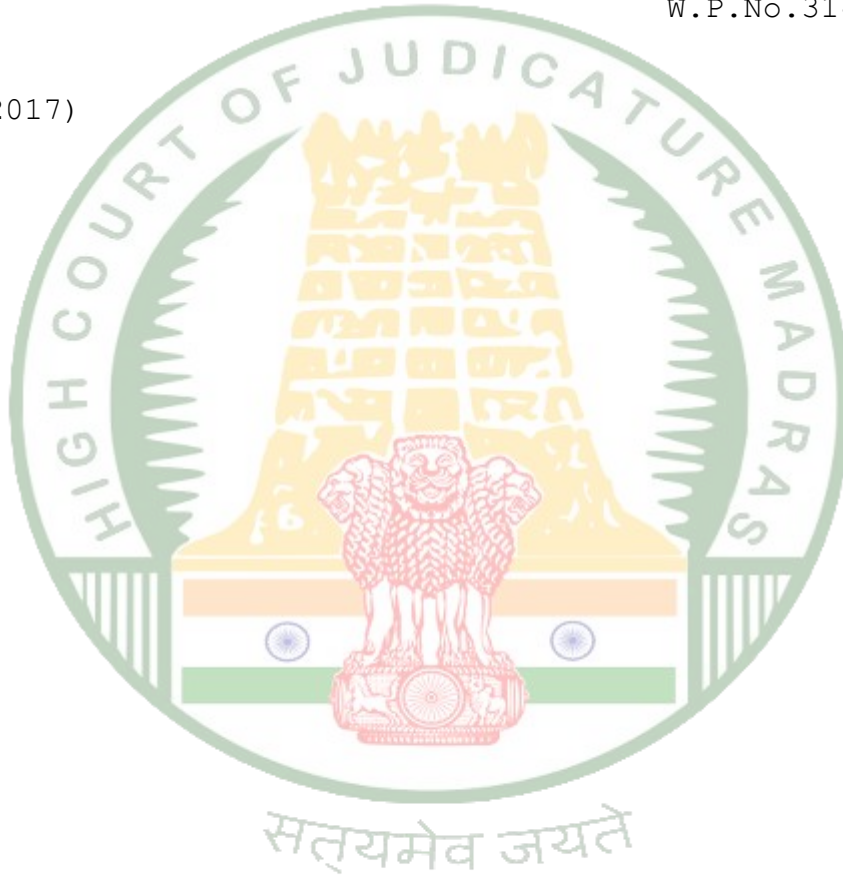
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+1 CC to Mr.R. Chandrasekaran, Advocate sr 87906

W.P.No.31441 of 2017

SP(20/12/2017)



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