

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2017

CORAM:

THE HON 'BLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.9326 of 2004

A.Murugaiyan

... Petitioner

Versus

1. The Block Development Officer,
Virudhachalam Panchayat Union,
Virudhachalam, Cuddalore District.

2. The President,
Chinnaparur Panchayat,
Virudhachalam Panchayat Union,
Cuddalore District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified Mandamus, to call for the records relating to the impugned order of suspension issued by the second respondent in Proceedings No. Nil dated Nil and quash the same and direct the 2nd respondent to reinstate the petitioner in service with all attendant benefits.

For Petitioner : No appearance

For Respondents : Mr.M.Digvijay Pandian for R1
Mr.L.Mahendran for R2

O R D E R

The present Writ Petition came to be filed by the petitioner, challenging the impugned order of suspension issued by the second respondent in Proceedings No. 'Nil' dated 'Nil' and to quash the same and for a direction directing the 2nd respondent to reinstate the petitioner in service with all attendant benefits.

2. There is no representation for the petitioner. Heard Mr.M.Digvijay Pandian, the learned Counsel appearing for the 1st respondent and Mr.L.Mahendran, the learned Counsel appearing for the 2nd respondent.

3. On a perusal of the records, this Court is of the view that it is unnecessary to discuss the facts of the case.

4. Earlier, this petitioner has filed a Writ Petition in W.P.No.4908/2002 in which this Court has passed an order dated 18.08.2003 which reads as follows:

"By consent of the parties, main Writ Petition itself is taken up for disposal. The petitioner challenges the order of suspension issued by the second respondent. Though this Court has admitted the above Writ Petition on 13.03.2002 and ordered notice in the stay petition, it is stated that pursuant to the order of suspension, the respondents have not framed charge against the petitioner and conducted enquiry till date. Though this Court has not granted stay of further proceedings, in the light of the above factual position, I am of the view that it is unnecessary for this Court to go into the merits of the claim made by the petitioner as well as respondents. However, I am of the view that ends of justice would be met by permitting the respondents to complete the disciplinary proceedings, if any and pass orders one way or other after affording opportunity to the petitioner within a period of three months from the date of receipt of a copy of this order. Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed."

5. Subsequently, as per the orders of this Court, the 2nd respondent has issued a Charge Memo and the petitioner also has filed a reply. Since the 2nd respondent issued the charge memo and conducted an enquiry, the order of suspension would automatically merge with the disciplinary proceedings as this Court has not entertained the suspension order earlier.

6. Considering the above facts, I am inclined to close the Writ Petition. Accordingly, the Writ Petition is closed with liberty to the petitioner to challenge the disciplinary proceedings. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Deputy Registrar(J)

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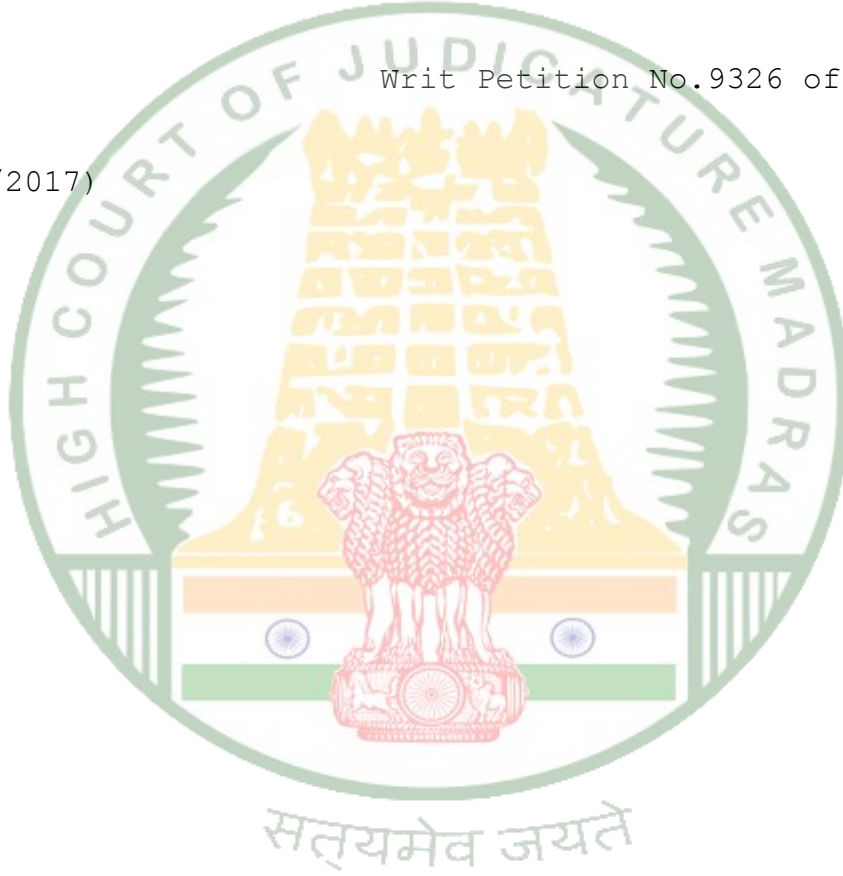
Sub Assistant Registrar

To

1. The Block Development Officer,
Virudhachalam Panchayat Union,
Virudhachalam, Cuddalore District.
2. The President,
Chinnaparur Panchayat,
Virudhachalam Panchayat Union,
Cuddalore District.

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LRS (CO)
GN(10/08/2017)



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