

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 18.07.2017****CORAM****THE HONOURABLE MR.JUSTICE T.RAJA****WEB COPY****W.P (MD) No.12951 of 2017**

C.Selvam

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Assistant Director of Panchayat,
Collectorate Complex,
Sivagangai.
3. The Additional Block Development Officer,
Manamadurai Panchayat Union,
Manamadurai,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first and second respondents, i.e., the District Collector, Sivagangai and the Assistant Director of Panchayat, Sivagangai to pass appropriate orders on the petitioner's representation dated 23.03.2016 regarding his reinstatement into service as Panchayat Clerk in the light of the judgment dated 10.03.2016 in C.C.No.204 of 2008 on the file of the Judicial Magistrate, Manamadurai.

For Petitioner

: Mr.S.Visvalingam

For Respondents

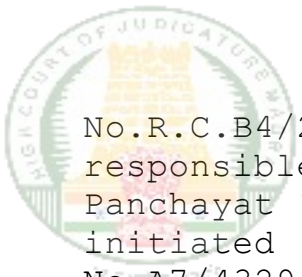
: Mr.K.Guru,

Additional Government Pleader

ORDER

This writ petition has been filed, seeking to direct the first and second respondents i.e., the District Collector, Sivagangai and the Assistant Director of Panchayat, Sivagangai to pass appropriate orders on the petitioner's representation dated 23.03.2016 regarding his reinstatement into service as Panchayat Clerk in the light of the judgment dated 10.03.2016 in C.C.No.204 of 2008 on the file of the Judicial Magistrate, Manamadurai.

2. The petitioner, while serving as Panchayat Clerk in Kalkuruchi Panchayat, Manamadurai Post, which is under the control of Additional Block Development Officer, Manamadurai Panchayat Union from 05.12.1996, suffered by an order of suspension passed by the Block Development Officer, Manamadurai in its proceedings



No.R.C.B4/2382/2003 dated 27.01.2005 charging that he was responsible for the monetary loss of Rs.1,55,224/- incurred by the Panchayat Union, Manamadurai, based on which, the department also initiated disciplinary proceedings against him by issuing a memo No.A7/4329/2003 dated 03.08.2006.

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3. The learned counsel for the petitioner would submit that although the petitioner submitted an explanation on 06.09.2006 to the charge memo, no further action has been taken and the same is kept pending, on the ground that a criminal case has been registered on the file of the Additional District Munsif cum Judicial Magistrate, Manamadurai in C.C.No.204 of 2008.

4. It is now represented that in the criminal case, the petitioner was acquitted by an order dated 10.03.2016 and no further appeal has been preferred by the Department against the order passed by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai. Therefore, there is no bar for the 2nd respondent to reinstate the petitioner into service and to that effect, the petitioner also made a representation dated 23.03.2016 to the first respondent based on the said judgment. Since no action has been taken on his representation, the petitioner is before this Court with the above prayer. It is also stated across the bar that from the date of suspension, the respondents have not paid any subsistence allowance to the petitioner.

5. Heard the learned counsel on either side.

6. It is an admitted fact that finally the trial in C.C.No.204 of 2008 on the file of Additional District Munsif cum Judicial Magistrate, Manamadurai ended in acquittal of the petitioner on 10.03.2016. It is also brought to the notice of this Court that no subsistence allowance has been paid to the petitioner since the date of his suspension. Considering all these aspects, this Court is of the view that now there is no impediment for the respondents to pass final orders on the pending disciplinary proceedings, as the criminal case had come to an end in favour of the petitioner.

7. Hence, this writ petition is disposed of with a direction to the third respondent to pass final orders on the pending disciplinary proceedings on the basis of his representation dated 10.03.2016, within a period of two months from the date of receipt of a copy of this order. No Costs.

Sd/-

Assistant Registrar(WRITS)

/True Copy/



To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Assistant Director of Panchayat,
Collectorate Complex,
Sivagangai.

3. The Additional Block Development Officer,
Manamadurai Panchayat Union,
Manamadurai, Sivagangai District.

+1cc to Mr.S.Visvalingam, Advocate Sr.No.66071

+1cc to Spl.Government Pleader Sr.No.66283

RM/AR

VB/MR/SAR4/11/08/2017/3P/6C

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