



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.02.2017

CORAM

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.524 of 2017

M.Murugan

... Petitioner

Vs.

1.The Assistant Director(Panchayats),
Tirunelveli Region,
District Collectorate Complex,
Tirunelveli.

2.The Executive Officer,
O/o.Town Panchayat,
Vadakarai Keelpidakai,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the second respondent to revoke the order of suspension dated 17.4.2016 passed by the second respondent in Na.Ka.No.82 of 2016 on the basis of the Judgement rendered by the Honourable Supreme Court in Ajay Kumar Choudhary .vs. Union of India reported in (2015) 7 SCC 291 by considering the Petitioner's representation dated 16.12.2016 and consequently to direct the second respondent to reinstate the Petitioner in the post of Health Supervisor within the time stipulated by this Court.

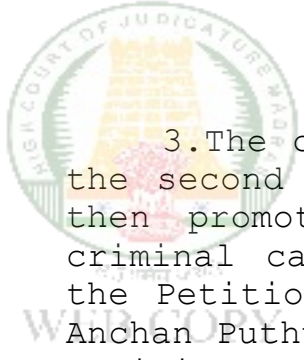
For Petitioner	:	Mr.S.Rajasekar for M/s.T.Lajapathi Roy
For Respondent 1	:	Mr.A.K.Baskarapandian Special Govt.Pleader
For Respondent 2 & 3	:	Mr.M.Alagadevan Special Government Pleader

O R D E R

This Writ Petition has been filed, seeking a direction to the second respondent to revoke the order of suspension dated 17.4.2016 passed by the second respondent in Na.Ka.No.82 of 2016 on the basis of the Judgement rendered by the Honourable Supreme Court in Ajay Kumar Choudhary .vs. Union of India reported in (2015) 7 SCC 291 by considering the Petitioner's representation dated 16.12.2016 and consequently to direct the second respondent to reinstate the Petitioner in the post of Health Supervisor within the time stipulated by this Court.

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2.Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.



3. The case of the Petitioner is that he joined the services of the second respondent as Sanitary worker on consolidated pay and then promoted as Health Supervisor. While so, on 17.4.2016, a criminal case in Crime No.68 of 2016 has been registered against the Petitioner under Sections 380 and 381 of IPC, on the file of Anchan Puthur Police Station, Tirunelveli on the complaint that the Petitioner along with two others have stolen the Water Pump Motors belonging to the second respondent Office and on the same day, the Petitioner was placed under suspension by the authorities concerned. Till date, the Petitioner was under suspension without any enquiry being conducted of charge-sheet issued against him. In this regard the Petitioner has submitted a representation, dated 16.12.2016 to the respondents requesting for revocation of suspension order and since the said representation did not evoke any response, the petitioner is before this Court with the relief stated supra.

4. The counsel for the respondents would submit that it is agreeable for the respondents to consider the representation of the petitioner and pass orders thereon.

5. In view of the submission, the respondents concerned is directed to consider the representation of the petitioner, dated 16.12.2016 in the light of decision of this Court in **K.Selvamani vs. State of Tamil Nadu (W.P(MD)No.21014 of 2013 decided on 08.04.2014)** and to pass appropriate orders on the same in accordance with law, within a period of two months from the date of receipt of a copy of this order, if there is no other legal impediment to do so.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Assistant Director(Panchayats),
Tirunelveli Region,
District Collectorate Complex,
Tirunelveli.

+1 cc to MR.T.Lajapathi Roy, ADVOCATE, SR NO:8550
+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO:8607

VSN

SVA/MB/02.03.2017/2P/4C

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