

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 06.12.2018

CORAM
THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 32073 OF 2018
AND
W.M.P. NO. 37321 OF 2018

S.Kousalya

.. Petitioner

- Vs -

1. The District Collector
Nagapattinam District
Nagapattinam.
2. The Personal Assistant to
The District Collector
Nagapattinam District, Nagapattinam.
3. The Block Development Officer (VP)
Nagapattinam Panchayat Union
Nagapattinam District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the respondent in connection with the impugned suspension order passed by the 1st respondent in Na.Ka. No.5925/oo.va.8/2018 dated 19.11.2018 and quash the same and further direct the respondents to permit the petitioner to discharge her duty within reasonable time with all consequential service and monetary benefits.

For Petitioner : Mr. K.Venkataramani, SC, for
Mr. S.,Sivakumar

For Respondents: Mr. R.Selvam, GA for RR-1 & 2
Mr. J.H.Iniyam for R-3

ORDER

The petitioner, S.Kousalya, was relieved on 19.11.18 and one Saravanan was placed in her place giving him additional charge. This was stated so by the proceedings of the 1st respondent dated 19.11.18. Challenging that this order amounts to termination/discharge the petitioner has come forward with the present writ petition challenging the proceedings of the 1st respondent dated 19.11.2018.

2. It is stated that the petitioner entered the service as Panchayat Writer on 10.8.06 in Vadugacherry Panchayat. During 2007, the petitioner was brought into regular time scale of pay and the petitioner is serving as Panchayat Secretary. Though the petitioner claims her service is meritorious, the respondent claims that the petitioner did not arrange for relief measures when the Gaja Cyclone was heading to the districts of Nagapattinam, Tanjore, Cuddalore, etc. Prior to the cyclone, based on the advice of the Meteorological Department and Disaster Management, the District Administration has taken precautionary works and it is the complaint that the petitioner did not carry out the instructions of the superiors and did not take any preventive steps and did not provide any shelter to the general public and, therefore, for the abovesaid lapse, the petitioner was discharged.

3. At the time of hearing, when the Court wanted the respondents to clarify whether the case of the petitioner was termination or discharge or disengagement, learned Government Advocate appearing for the respondents produced a communication of the District Collector, Nagapattinam dated 5.12.18 in which it is stated that immediately after restoration of normalcy, the petitioner would be given posting in a nearby Panchayat.

4. Learned senior counsel appearing for the petitioner urged that this Court may fix a time limit so that the petitioner may not be made to approach this Court once again.

5. In such view of the matter, this Court is of the view that it would be suffice to direct the respondents to implement the order dated 5.12.18 within a particular time frame.

6. In the above circumstances, this writ petition is disposed of directing the 1st respondent to implement the order dated 5.12.18 within a period of one month from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The District Collector
Nagapattinam District
Nagapattinam.

2. The Personal Assistant to
The District Collector
Nagapattinam District
Nagapattinam.

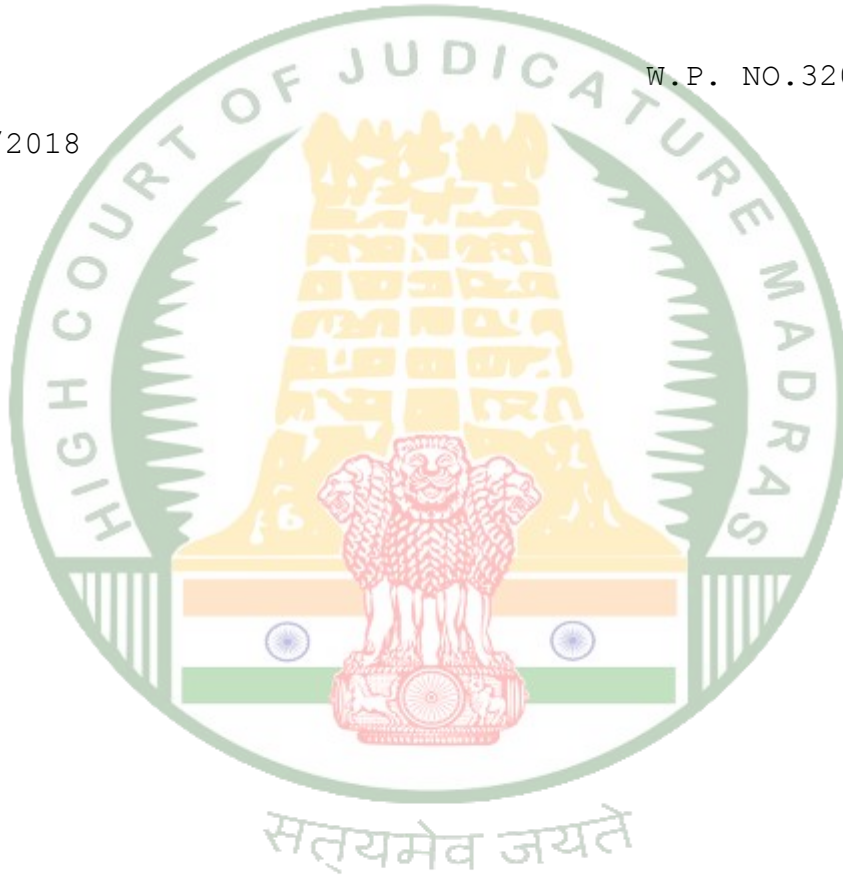
3. The Block Development Officer (VP)
Nagapattinam Panchayat Union
Nagapattinam District.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.84104.

+2ccs to the Government Pleader, S.R.No.85059 and 84469.

W.P. NO.32073 OF 2018

rrs 10/12/2018



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