



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 2045 & 2046 of 2018
and

W.M.P. (MD). Nos. 2270 to 2273 of 2018

M.Sirajudeen	..	Petitioner in W.P.(MD).No.2045 of 2018
S.Kamalanathan	..	Petitioner in W.P.(MD).No.2046 of 2018

Vs.

The Executive Officer,
Manimutharu Special Grade Town Panchayat,
Manimutharu, Tirunelveli District.

.. Respondent in both Writ Petitions

COMMON PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in Na.Ka.No.331/2015/A1, dated 01.12.2015 and quash the same and consequently direct the respondent to reinstate the petitioner back into service in the light of the order passed by this Court in W.A.(MD).Nos.1467/2015 and 1468 of 2015 dated 23.09.2016, under the service conditions of Town Panchayat Employees stipulated in Rule 5 of Tamil Nadu Town Panchayat Establishment (Punishment and Appeal) Rules 1988.

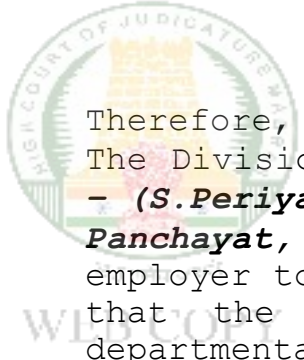
For petitioner	:	Mr. N.Balamuralikrishnan
For respondent	:	Mr. M.Rajarajan
		(in both Writ Petitions)

COMMON ORDER

Heard the learned counsel on either side

2. By consent of both parties, the main writ petitions are taken up for final disposal at the stage of admission itself.

3. The petitioners are working in various capacities such as Sanitary Worker and Over Head Water Tank Operator in the respondent/Panchayat. They were sponsored by Employment Exchange. They have been suspended from service on the ground that they have falsely projected themselves as physically challenged candidates.



Therefore, for the last several months, they are under suspension. The Division Bench of this Court in **W.A. (MD).No.1467 & 1468 of 2015 - (S.Periyasamy, Jesu Antony vs. The Executive Officer, Ayakudi Town Panchayat, Tirunelveli District)** dated 23.09.2016, directed the employer to revoke the suspension orders. It was, however, observed that the employer would be at liberty to proceed with the departmental proceedings and pass final orders in accordance with law.

4. Following the said decision, this Court is inclined to direct the respondent herein to revoke the orders of suspension impugned in these writ petitions and consequently reinstate the petitioners in service forthwith. It is, however, made clear that the respondent is at liberty to proceed with the disciplinary proceedings initiated against the petitioners and pass final orders in accordance with law.

5. These writ petitions stand allowed, as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Executive Officer,
Manimutharu Special Grade Town Panchayat,
Manimutharu, Tirunelveli District.

+ 2 CC TO Mr.V.KARTHIKEYAN, ADVOCATE IN SR Nos. 49264 & 49265

KMI

TE/SKN-RSK/SAR-2 : 14/03/2018 : 2P/4C

ORDER MADE IN
W.P. (MD) Nos. 2045 & 2046 of 2018 and
W.M.P. (MD).Nos.2270 to 2273 of 2018
16.02.2018