



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) Nos.2143 & 2144 of 2018

and

W.M.P (MD) Nos.2390 to 2392 and 2393 of 2018

V.Sudalaimuthu ..Petitioner in W.P.(MD).No.2143 of 2018

M.Ganesan ..Petitioner in W.P.(MD).No.2144 of 2018

Vs.

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

..Respondent in W.P.(MD)No.2143 of 2018

The Executive Officer,
Thiruvengadam Town Panchayat,
Thiruvengadam, Tirunelveli District.

..Respondent in W.P.(MD).No.2144 of 2018

PRAYER in WP(MD)No.2143 of 2018: 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, the service conditions of Town Panchayat Employees stipulated in Rule 5 of Tamil Nadu Town Panchayat Establishment(Punishment and Appeal) Rules 1988.

PRAYER in WP(MD)No.2144 of 2018: 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.6/2015, dated 21.12.2015 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, 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

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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 as Over Head Water Tank Operator and Sanitary Worker in the respective respondents/Panchayats. 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 & another vs. The Executive Officer, 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 respective respondents 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 respective respondents are 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(C.O.)

/True Copy/

Sub Assistant Registrar

+2CC to Mr.V.Karthikeyan, Advocate, SR.No. 49263 49267,

ORDER MADE IN
W.P. (MD) Nos. 2143 and 2144 of 2018
16.02.2018

kmi

AM/SV MMS/SAR 4/06.04.2018/2P/3C