



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.2960 of 2018

and

W.M.P. (MD) .No.3128 of 2018

P.Palpandi

...Petitioner

Vs.

1.The Commissioner,
Most Backward Classes and De-notified Communities,
Chepauk, Chennai-600 005.

2.The Joint Director,
Kallar Reclamation,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in R.O.C.No.H10/26517/2008 dated 25.01.2017 and a consequential charge memo in Na.Ka.No.H10/26517/2008-01 dated 03.04.2017 and quash the same and consequently direct the second respondent to reinstate the petitioner into service with all service benefits.

For Petitioner : Mr.D.Sasikumar

For Respondents : Mr.K.Saravanan

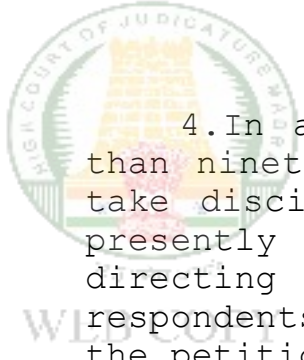
Government Advocate

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition is taken up for final disposal.

3.The petitioner was recruited as Cook way back in the year 1997. After a lapse of 19 years, he was visited with a charge memo alleging that he has submitted a bogus certificate. For the job of Cook, the qualification is that he must know to read and write Tamil. No other specific qualification has been prescribed.



4. In any event, the petitioner has been in service for more than nineteen years. It is of course open to the authorities to take disciplinary action against the petitioner. This Court is presently concerned only with the order of Suspension. By directing his reinstatement, no prejudice will be caused to the respondents. The disciplinary action already initiated against the petitioner can certainly go on.

5. The learned counsel for the petitioner fairly submits that he is not pressing the prayer as regards the challenge to the charge memo.

6. With these observations, the second respondent is directed to revoke the order of Suspension dated 25.01.2017 and permit the petitioner to join duty. The respondents shall issue orders of reinstatement within one week from today.

7. The Writ Petition is partly allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Most Backward Classes and De-notified Communities,
Chepauk, Chennai-600 005.

2. The Joint Director,
Kallar Reclamation,
Madurai.

+1CC TO M/S.D.SASIKUMAR, ADVOCATE, SR NO.50765
+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR NO.51306

W.P. (MD) .No.2960 of 2018
23.02.2018

tsg

MS/CM/SAR.4/26.02.2018/2P.5C