



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.03.2018

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.4867 of 2018

and

WMP(MD)Nos.4872 & 4873 of 2018

S.Kumaran

... Petitioner

Vs.

The Executive Officer,  
Pudur (S) Town Panchayat,  
Pudur (S) Tirunelveli District.

... Respondent

Prayer : Writ Petition is 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.41/2006/A1 dated 11.01.2016 and quash the same and consequently direct the respondent to reinstate the petitioner back into service in the light of the service conditions of Town Panchayat employees stipulated in Rule 5 of Tamilnadu Town Panchayat Establishment (Punishment and Appeal) Rules 1988.

For Petitioner : Mr.B.Prahalad Ravi

For Respondent : Mr.M.Rajarajan

ORDER

Mr.M.Rajarajan, learned counsel for the respondent takes on behalf of the respondent.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner is working as a Over Head Water Tank Operator. He was sponsored by Employment Exchange, Tirunelveli. The petitioner has been suspended from service on the ground that he has falsely projected himself as Physically Challenged candidate. Therefore, he was placed under suspension for the last several months.

4.The Hon'ble Division Bench of this Court in *WA(MD)Nos.1467 & 1468 of 2015*, dated 23.09.2016 (*S.Periyasamy, Jesu Antony vs. The Executive Officer, Ayakudi Town Panchayat, Tirunelveli District*),  
<https://hcservices.ecourts.gov.in/hcservices/>



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.

5. Respectfully concurring with the aforesaid said decision, this Court is inclined to direct the respondent herein to revoke the order of suspension which is impugned in this writ petition and consequently reinstate the petitioner in service forthwith. It is however made clear that the respondent is at liberty to proceed with the disciplinary proceedings initiated against the petitioner and pass final order in accordance with law.

6. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

The Executive Officer,  
Pudur (S) Town Panchayat,  
Pudur (S) Tirunelveli District.

SKM

JM/2C/2P/SKN/RSK/SAR4/9/3/2018

W.P (MD) No. 4867 of 2018

and

WMP (MD) Nos. 4872 & 4873 of 2018

07.03.2018