



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.7014 and 7016 of 2018

and

W.M.P. (MD) Nos.6709, 6710, 6713 and 6714 of 2018

C.Karpagavinayagam ... Petitioner in W.P.(MD)No.7014 of 2018
P.Manikandan ... Petitioner in W.P.(MD)No.7016 of 2018

-Vs-

1.The Director of Town Panchayats,
Kuralagam, Chennai-600 108.

2.The Assistant Director of Town Panchayats,
N.G.O.Colony, Tirunelveli.

... Respondents 1 and 2 in both W.Ps.

3.Thisayanvilai Town Panchayat,
Represented by its Executive Officer,
Thisayanvilai,
Tirunelveli District.

... 3rd Respondent
in W.P.(MD)No.7014 of 2018

3.Keezhapavoor Town Panchayat,
Represented by its Executive Officer,
Keezhapavoor,
Tirunelveli District.

... 3rd Respondent
in W.P.(MD)No.7016 of 2018

COMMON PRAYER:Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.Nos.186/2015 and 97/2015 respectively dated 07.12.2015 and 17.08.2016 respectively, quash the same.

For Petitioner : Mr.R.Subramanian

For R1 and R2 : Mr.K.Saravanan,
Government Advocate.



COMMON ORDER

Heard the learned counsel on either side.

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2. By consent of both parties, the main Writ Petitions themselves are taken up for final disposal at the stage of admission.

3. The petitioners are working as Sanitary Workers. They were sponsored by Employment Exchange, Tirunelveli. The petitioners have been suspended from service on the ground that they had falsely projected themselves as Physically Challenged candidates. Therefore, they were placed under suspension for the last several months.

4. The Hon'ble Division Bench of this Court in ***W.A. (MD) . Nos. 1467 & 1468 of 2015, dated 23.09.2016 (S. Periyasamy, Jesu Antony Vs. The Executive Officer, Ayakudi Town Panchayat, Tirunelveli District)***, 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. Following the said decision, this Court is inclined to direct the third respondent in both the Writ Petitions 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 third respondent in both the Writ Petitions are at liberty to proceed with the disciplinary proceedings initiated against the petitioners and pass final orders in accordance with law.

6. These Writ Petitions stand allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar



tsg
To

1.The Director of Town Panchayats,
Kuralagam, Chennai-600 108.

2.The Assistant Director of Town Panchayats,
N.G.O.Colony, Tirunelveli.

+2 cc to MR.R.SUBRAMANIAN, Advocate SR.No.58733 & 58735

+1 cc to Special Government Pleader SR.No.59475

W.P. (MD) Nos.7014 and 7016 of 2018
28.03.2018

SMA/SKN-RSK/SAR-2/30.05.2018:3P/6C