



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 7029 of 2018

and

W.M.P. (MD) Nos. 6734 and 6735 of 2018

P.Sermapandi

... Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2. The Regional Director of Municipal Administration,
Tirunelveli Region,
Tirunelveli.

3. Vickramasingapuram Municipality,
Represented by its Commissioner,
Vickramasingapuram,
Tirunelveli District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.217/2013 C1, dated 22.06.2015, quash the same.

For Petitioner : Mr.R.Subramanian

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

Heard the learned counsel on either side.

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

3.The petitioner is appointed as a Junior Assistant. 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 **W.A. (MD) . Nos.1467 and 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.In view of the aforesaid decision, this Court is inclined to direct the third 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 third respondent is at liberty to proceed with the disciplinary proceedings initiated against the petitioner and pass final orders in accordance with law.

6.The Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The Regional Director of Municipal Administration,
Tirunelveli Region,
Tirunelveli.
3. The Commissioner,
Vickramasingapuram Municipality,
Vickramasingapuram,
Tirunelveli District.

+ 1 cc TO Mr.R.Subramanian , Advocate in SR No. 58741
+ 1 cc TO The Special Government Pleader in SR No. 59255

tsg

AE/KKR/SAR2/31.05.2018/2P/6C