



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P.(MD) No.13449 of 2018 and
W.M.P.(MD)No.12262 of 2018

C.Tamil Selvan

... Petitioner

-vs-1. The District Collector,
Thoothukudi District,
Thoothukudi.2. The Executive Officer,
Selection Grade Town Panchayat,
Srivaikundam,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in connection with the impugned order of suspension passed by him in his proceedings in Na.Ka.No.390/2018 dated 23.09.2016 and quash the same as illegal and arbitrary and consequently direct the respondent to reinstate the petitioner in service based on his representation dated 24.04.2017 and 03.07.2017 within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner	: Mr.G.Thalaimutharasu
For Respondents	: Mrs.S.Srimathy, Special Government Pleader for R.1 Mr.Rajarajan, Standing Counsel for R.2

ORDER

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the impugned order of suspension passed by him in his proceedings in Na.Ka.No.390/2018 dated 23.09.2016 and quash the same as illegal and arbitrary and consequently to direct the respondents to reinstate the petitioner in service based on his representations dated 24.04.2017 and 03.07.2017 within the time limit that may be stipulated by this Court.

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2. Heard Mr.G.Thalaimutharasu, learned Counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government



Pleader as well as Mr.Rajarajan, learned Standing Counsel, who takes notice for respondents 1 & 2, respectively.

3. The learned Counsel for the petitioner would submit that though such a larger prayer has been sought for in this writ petition, the petitioner would confine to the prayer that if his representations dated 25.04.2017 and 03.07.2017 are directed to be considered and an order to that effect is directed to be passed by the second respondent within a time frame that may be stipulated by this Court, the petitioner would be satisfied.

4. The learned Standing Counsel appearing for the second respondent would submit that the said representation of the petitioner dated 24.04.2017, would be considered on merits and an order to that effect would be passed, within the time frame to be stipulated by this Court.

5. Considering the limited scope of the relief sought for by the petitioner as well as taking into account the submissions made by both sides, this writ petition is disposed of, with the consent of both sides at the admission stage itself, with the following direction:-

"that the second respondent is directed to consider the representation of the petitioner dated 24.04.2017, on merits and in accordance with law and pass orders thereon, by taking into account the law declared by the Hon'ble Apex Court in the case of **Ajay Kumar Choudhary v. Union of India and another**, reported in **2015 (7) SCC 291**, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed."

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Executive Officer,
Selection Grade Town Panchayat,
Srivaikundam,
Thoothukudi District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69794

+ 1 CC TO Mr.G.THALAIMUTHARASU, ADVOCATE IN SR No. 69719

GK

TE/SB/SAR-4 : 10/07/2018 : 2P/5C

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W.P. (MD) No.13449 of 2018

25.06.2018