



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.17505 of 2018

Kumaresan

... Petitioner

Vs.

1.The District Collector,
(Development Section),
Theni District.

2.The Assistant Director (Panchayat),
Collectorate Campus, Theni District.

3.The Block Development Officer,
Village Panchayat,
Andipatti Panchayat Union,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to give monetary benefits for the petitioner's non-employment ie., from 18.08.2011 to 04.10.2013 thereby considering his representation dated 24.07.2018.

For Petitioner

: Mr.V.Sankaranarayanan

For Respondents

: Mr.M.Murugan

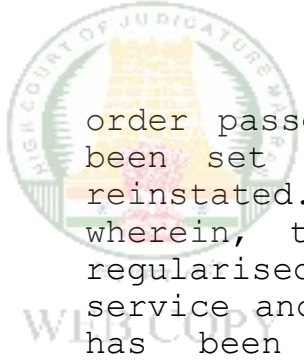
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to give monetary benefits for the petitioner's non-employment ie., from 18.08.2011 to 04.10.2013, thereby considering his representation dated 24.07.2018.

2.Heard, Mr.V.Sankaranarayanan, learned counsel for the petitioner and Mr.M.Murugan, learned Government Advocate, appearing for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner is working as Panchayat Secretary at the third respondent panchayat union. While so, he was placed under suspension, pursuant to the disciplinary proceedings, on 18.08.2011 and he was removed from service thereafter. The said punishment of removal from service was challenged by the petitioner before this Court and the said writ petition was allowed, as against which the respondent has preferred writ appeal, that was also dismissed, by confirming the



order passed by the writ Court, thereby the order of removal has been set aside and therefore, subsequently, the petitioner was reinstated. Therefore, the period between 18.08.2011 and 04.10.2013, wherein, the petitioner was placed under suspension has to be regularised and for that period, the petitioner shall be given service and monetary benefits. In this regard, eventhough proposal has been sent by the third respondent by proceedings in Na.Ka.No.3216/2011/B1, dated 18.01.2014, to the first respondent and thereafter, the petitioner has given some representation to the respondents including the first respondent, no orders have sofar been passed, regularizing the said period of non-duty, during the suspension between 18.08.2011 and 04.10.2013. Therefore, the petitioner is before this Court.

4.I have heard Mr.M.Murugan, learned Government Advocate appearing for the respondents, who would submit that in the light of the letter forwarded by the third respondent dated 18.01.2014, the representation given by the petitioner dated 24.07.2018 would be considered and an order to that effect would be passed by the first respondent, on merits within a time frame that may be stipulated by this Court.

5.I have heard both sides and perused the materials available on record.

6.Considering the factual matrix of the case that the punishment inflicted on the petitioner was set aside and the petitioner was reinstated thereafter, the non-duty period during the suspension between 18.08.2011 and 04.10.2013 has to be necessarily regulated and the same since was recommended and forwarded, by proceedings dated 18.01.2014, thereafter pursuant to that, necessary orders to be passed by the first respondent.

7.In the light of the above observations, this Court is inclined to pass the following orders:

"The first respondent is directed to consider the request of the petitioner dated 24.07.2018, in the light of the proceedings / letter issued by the third respondent in Na.Ka.No.3216/2011/B1, dated 18.01.2014 and pass orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order."

8.With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1.The District Collector,
(Development Section),
Theni District.

2.The Assistant Director (Panchayat),
Collectorate Campus, Theni District.

3.The Block Development Officer,
Village Panchayat,
Andipatti Panchayat Union,
Theni District.

+1cc to M/S.V.Sankaranarayanan, Advocate SR.No. 76969

+1cc to Special Government Pleader, SR.No. 77154

W.P. (MD) No.17505 of 2018
03.08.2018

pnn

JM/SKN RSK/SAR 4/03.09.2018/3P/6C