



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 12.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20971 of 2016  
and  
WMP (MD) No.14981 of 2016  
&  
WMP (MD) No.16838 of 2017

S.Tamilarasan

... Petitioner

Vs.

1.The District Collector,  
Pudukkottai District, Pudukkottai.

2.The Commissioner,  
Viralimalai Panchayat Union,  
Viralimalai,  
Pudukkottai District.

3.The Deputy Block Development  
Officer (Noonmeal),  
Viralimalai Panchayat Union,  
Viralimalai,  
Pudukkottai District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of suspension in Na.Ka.Vi5/2124/2016 dated 07.09.2016, impugned order of charge memo in Na.Ka.Vi5/2124/2016 dated 07.09.2016 on the file of the first respondent and the consequential transfer order in Na.Ka.Vi5/2124/2016 dated 20.10.2016 on the file of the first respondent and the consequential relieving order in Na.Ka.A8/2141/20156 dated 21.10.2016 on the file of the second respondent and quash the same as illegal and consequently for a direction, directing the first respondent to re-instate the petitioner in the post of Noon Meal Organizer at Government Higher Secondary School, Sevalpatti, Viralimalai Union, Pudukkottai District. Within the time period stipulated by this Hon'ble Court.

For Petitioner  
For Respondents

: Mr.T.Lajapathi Roy  
: Mr.J.Gunaseelan Muthaiah,  
Addl.Govt.Pleader for R1  
Mr.Ayiram K.Selvakumar  
for R2 to R3

O R D E R

The writ petitioner was appointed as a Noon Meal Organizer. He was working in that capacity at Government Higher Secondary School, Sevalpatty, Pudukkottai District. By the impugned order dated 07.09.2016, the first respondent suspended the petitioner from service. The writ petitioner was also issued with a charge memo dated 07.09.2016. The petitioner was also transferred to Panchayat Union Elementary School, Veppangudi East, Aranthangi Union. All these three proceedings are under challenge in this writ petition.

2. Heard the learned counsel on either side.

3. This Court will have to necessarily take note of a subsequent development that took place in this case. It is admitted by both parties that as on date there is no post of Noon Meal Organizer in the petitioner's transferred place. The same has been merged with another educational institution. Therefore, this Court permits the writ petitioner to submit a representation in this regard so as to enable the first respondent to pass fresh order regarding the writ petitioner's posting.

4. The challenge to the order of suspension dated 07.09.2016 does not survive in view of the revocation made vide order dated 10.10.2016. As regards the charge memo, this Court is of the view that the writ petitioner will have to necessarily face the disciplinary enquiry. This Court does not want to interfere with the impugned charge memo. This is because the limited grounds on which a charge memo can be quashed are not available in this case. However, the writ petitioner is entitled to be given an alternative posting. Therefore, the first respondent is strictly directed to issue posting order in favour of the writ petitioner on or before 31.01.2018.

5. This writ petition is disposed of accordingly. The learned Additional Government Pleader is directed to report compliance to the Registry on or before 02.02.2018. This writ petition is disposed of as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Pudukkottai District, Pudukkottai.

2. The Commissioner,  
<https://hcservices.ecourts.gov.in/hcservices/>  
Viralimalai Panchayat Union,  
Viralimalai, Pudukkottai District.



3.The Deputy Block Development  
Officer (Noonmeal),  
Virallimalalai Panchayat Union,  
Virallimalalai, Pudukkottai District.

4.The Additional Government Pleader,  
Madurai Bench of Madras High Court,  
Madurai.

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JM/SKN RSK/SAR 2/30.01.2018/3P/5C