



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.03.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.21168 of 2016

and

W.M.P. (MD) .Nos.15123 & 15124 of 2016

R.S.Murugan

...Petitioner

Vs.

The Executive Officer,
Surandai Selection Grade Town Panchayat,
Surandai, Tirunelveli District.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in Na.Ka.No.151/2015/A1 dated 01.04.2016 and quash the same and consequently direct the respondent to reinstate the petitioner back into service in the light of the order passed by this Court in W.A. (MD) .No.1467 of 2015 and 1468 of 2015 dated 23.09.2016, the service conditions of town panchayat employees stipulated in Rule 5 of the Tamil Nadu Town Panchayat Establishment (Punishment and Appeal) Rules 1988 and the judgment of Hon'ble Supreme Court of India reported in 2015 (7) SCC 291.

For Petitioner

: Mr.Balamuralikrishnan

For Respondent

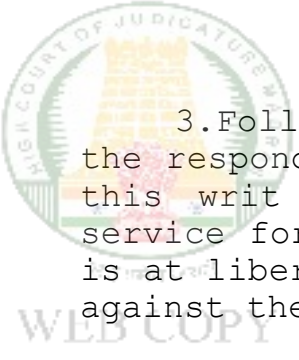
: Mr.V.R.Shanmuganathan

Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner in the respondent/Panchayat is working as Fitter. He was sponsored by the Employment Exchange. He has been suspended from service on the ground that he was falsely projected himself as physically challenged candidate. Therefore, for the last several months, he was under suspension. The Division Bench of this Court in W.A. (MD) .No.1467 & 1468 of 2015 - (S.Periyasamy, Jesu Antony vs. The Executive Officer, Ayakudi Town Panchayat, Tirunelveli District) dated 23.09.2016, 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.



3. Following the said decision, this Court is inclined to direct the respondent herein to revoke the order of suspension impugned in this writ petition and consequently reinstate the petitioner in service forthwith. It is, however, made clear that the respondent is at liberty to proceed with the disciplinary proceedings initiated against the petitioner and pass final orders in accordance with law.

4. The writ petition stands allowed, as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

The Executive Officer,

Surandai Selection Grade Town Panchayat,

Surandai, Tirunelveli District.

+1cc to Mr.V.KARTHIKEYAN, Advocate, SR.No.53970

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