



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.24603 & 24604 of 2016

and

W.M.P. (MD) .Nos.17728 to 17731 of 2016

T.Kannan
K.Sundar

... Petitioner in W.P.No.24603 of 2016
... Petitioner in W.P.No.24604 of 2016

Vs.

The Executive Officer,
North Valliyoor Special Grade Town Panchayat,
Tirunelveli.

...Respondent in Both petitions

Prayer in W.P.No.24603 of 2016: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the respondent in Na.Ka.No.288 of 2015, dated 21.12.2015 and quash the same and consequently direct the respondent to reinstate the petitioner into service in the post of Sanitary Worker at the respondent's Panchayat.

Prayer in W.P.No.24604 of 2016: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the respondent in Na.Ka.No.415 of 2015, dated 21.12.2015 and quash the same and consequently direct the respondent to reinstate the petitioner into service in the post of Electrician at the respondent's Panchayat.

In both Petitions

For Petitioners : Mr.R.Anand
For Respondent : Mr.Rajarajan
Government Advocate

COMMON ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the Writ Petitions are taken up for final disposal.

3.The names of the petitioners in both the writ petitions were sponsored by the District Employment Exchange, Tirunelveli.



They were duly appointed by the respondent/Panchayat. The allegation against the petitioners is that they had improperly procured Physical Disability Certificates. In this regard, a public interest litigation was also filed before this Court. The petitioners came to be suspended on 21.12.2015. Till date, the petitioners are under suspension. Though show cause notices were issued and the petitioners offered their explanation, the enquiry is yet to commence. The petitioners are not facing any criminal prosecution. The Hon'ble Division Bench of this Court by judgment dated 23.09.2016 made in **W.A. (MD).Nos.1467 & 1468 of 2015 (S.Periyasamy, Jesu Antony Vs. The Executive Officer, Ayakudi Town Panchayat, Tirunelveli District)**, directed the employer to revoke the suspension order. 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.

4.Following the said decision, this Court is inclined to direct the respondent to revoke the Orders of Suspension and reinstate the petitioners in service forthwith. It is, however, made clear that the respondent is at liberty to proceed with the departmental proceedings and pass final orders in accordance with law.

5.The Writ Petitions stand allowed as indicated above. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Executive Officer,
North Valliyoor Special Grade Town Panchayat,
Tirunelveli.

+1cc to Mr.R.Anand, Advocate Sr.No.43949

TSG

VB/KKR/SAR4/13.02.2018/2P/3C

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and**

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