

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.39023 of 2015

and

M.P.Nos.1 and 2 of 2015

M.Annamalai

.. Petitioner

Vs

The Commissioner
Thiruvathipuram Municipality
Thiruvathipuram
Thriuvannamalai District

.. Respondent

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.1530/2012.C1, dated 06.03.2012 and quash the same consequently direct the respondent to reinstate the petitioner into service as Revenue Assistant in the respondent Municipality together with all attendant benefits and other monetary benefits.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.V.Jaya Prakash Narayanan
Govt. Pleader

सत्यमेव जयते

ORDER

This writ petition is filed challenging the impugned order passed by the respondent in his proceedings Na.Ka.No.1530/2012.C1, dated 06.03.2012 and seeks to quash the same and consequently to direct the respondent to reinstate the petitioner into service as Revenue Assistant in the respondent Municipality together with all attendant benefits and other monetary benefits.

2. The petitioner was appointed as Revenue Assistant (Bill Collector) in the Ambur Municipality in the year 1997 and in the year 2002, he has been transferred to Thiruvathipuram Municipality. For the charges under the provisions of Vigilance and Anti-corruption Act, the petitioner was arrested by the Vigilance and Anti-corruption Police on 06.03.2012.

Based on the said complaint registered before the Police, the petitioner was suspended from service on 06.03.2012.

3. Counter affidavit is filed by the respondent. It is stated that on conclusion of investigation, charge sheet has been filed before the Chief Judicial Magistrate/Special Judge, at Thiruvannamalai, in Special Case No.03/2014 and the same was pending before the said court.

4. The learned counsel for the petitioner submits that the petitioner had sent several representations seeking the progress of the case pending before the court. However, there is no substantial progress and the departmental proceedings has also not been concluded. It is also submitted that the petitioner has preferred a revision/representation on 07.08.2013 to the respondent by Registered Post with Acknowledgement due seeking revocation of suspension.

5. It is submitted by the learned Government Pleader appearing for the respondent that during the pendency of the writ petition, charge sheet has been framed and served on the petitioner.

6. Taking into consideration the above said facts and also taking note of the fact that there is no copy of representation preferred by the petitioner is available in the typed set of papers, this court is inclined to pass the following directions:-

(i) The petitioner is directed to send a fresh representation, or if available, a copy of the representation dated 07.08.2013 along with a copy of this order to the respondent, within two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said copy of the representation, the respondent is directed to consider and pass appropriate orders as expeditiously as possible within a period of six weeks thereafter.

(iii) The respondent is also directed to conclude the enquiry in the departmental proceedings, within six months from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Insp Cell)

//True Copy//

Sub Assistant Registrar

To

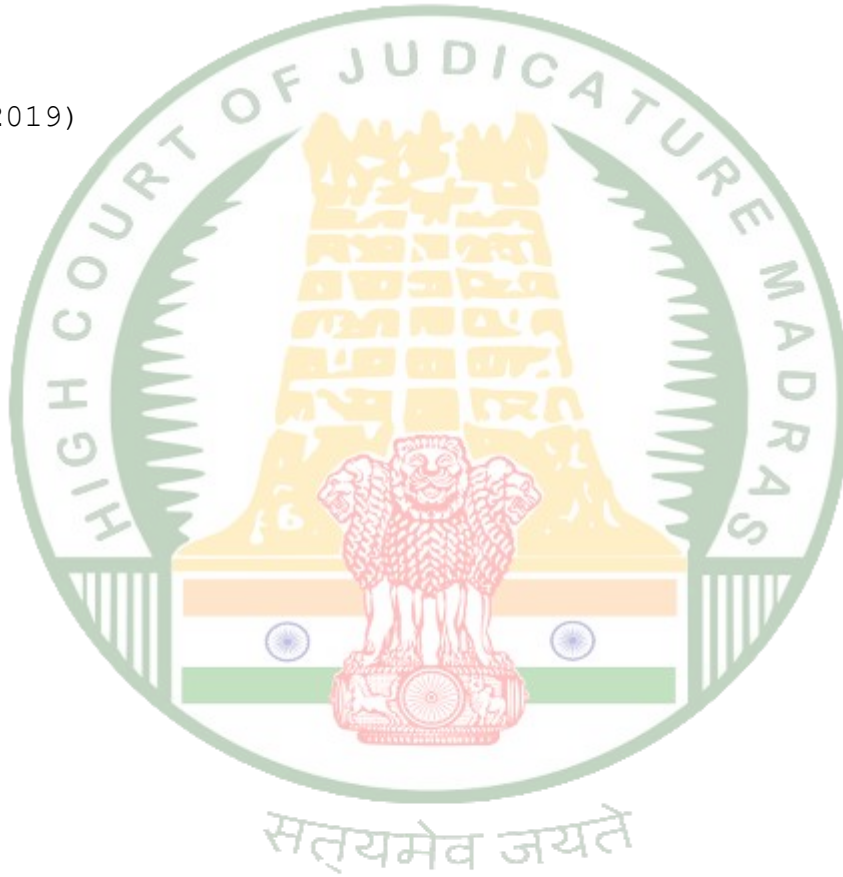
The Commissioner
Thiruvathipuram Municipality
Thiruvathipuram
Thriuvannamalai District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No. 96893

+1cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No. 97698

WP.No.39023 of 2015

PP (CO)
GN (25/11/2019)



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