

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30608 of 2019

and

W.M.P.Nos.30671 & 30675 of 2019

S.Kaliyaperumal

.. Petitioner

Vs.

The Block Development Officer,
(Village Panchayat),
Kurinjipadi Panchayat Union,
Kurinjipadi, Cuddalore 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 entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.B1/171/17, dated 22.05.2019 and quash the same and consequently direct the respondent to reinstate the petitioner into service as Overhead Tank Operator in Sirupalaiyur Village Panchayat, Kurinjipadi Taluk, Cuddalore District.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.N.Srinivasan
Additional Government Pleader

O R D E R

This Writ Petition is filed for 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.B1/171/17, dated 22.05.2019 and quash the same and consequently direct the respondent to reinstate the petitioner into service as Overhead Tank Operator in Sirupalaiyur Village Panchayat, Kurinjipadi Taluk, Cuddalore District.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the entire materials on record.

3. The case of the petitioner is that the petitioner was working as Overhead Tank Operator in Sirupalaiyur Village Panchayat, Kurinjipadi Taluk, Cuddalore District. While he was in service, an F.I.R. was registered by one Sivaprakasam in F.I.R.No.74 of 2018 under Sections 147, 148, 294(b), 324 and 506 (2) of Indian Penal Code, 1860, where the petitioner is the first accused. Thereafter the respondent by his proceedings bearing Na.Ka.No.B1/171/2017 dated 27.04.2018, suspended the petitioner from service. Challenging the said suspension order, the petitioner filed Writ Petition in W.P.No.12452 of 2018 and this Court by the order dated 16.05.2018 made in W.M.P.No.14586 of 2018, granted interim stay. Thereafter the respondent by his proceedings bearing Na.Ka.No.B1/171/2017 dated 22.05.2018, ordered reinstatement of petitioner. Thereafter the petitioner joined the service and while serving as Overhead Tank Operator, this Court by the order dated 13.03.2019 made in W.P.No.12452 of 2018, directed the petitioner to approach the competent Authority to review his suspension order by filing a review application and if any review application is filed by the petitioner, the same shall be considered and orders will be passed by the competent Authority. Therefore, the petitioner made a representation dated 30.04.2019 to the respondent for revocation of his suspension order and the respondent by his impugned proceedings bearing Na.Ka.No.B1/171/17 dated 22.05.2019 suspended him from service. Challenging the said suspension order dated 22.05.2019, the petitioner has come out with the present Writ Petition.

4. A perusal of the impugned order would show that the respondent has stated in the impugned order that the representation dated 30.04.2019 sent by the petitioner will be considered and orders will be passed in accordance with law and the same will be intimated to the petitioner, in due course. Therefore, before passing orders on the representation dated 30.04.2019, granting the relief sought by the petitioner at this stage would be premature. Hence, the Writ Petition fails and the same is liable to be dismissed.

5. In the result, the Writ Petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

The Block Development Officer,
(Village Panchayat),
Kurinjipadi Panchayat Union,
Kurinjipadi, Cuddalore District.

W.P.No.30608 of 2019

SP(13/12/2019)



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