



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM:

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

and

THE HON'BLE Mr. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) No. 407 of 2019

and

C.M.P. (MD) No. 3496 of 2019

1. The District Collector,
Collectorate,
Virudhunagar District.

2. The Block Development Officer,
Block Development Office,
Narikudi Panchayat Union,
Tiruchuli Taluk,
Virudhunagar District.

... Appellants/Respondents

Vs.

P.L.Sivasubramanian

... Respondent/Petitioner

PRAYER: The Appeal filed under Section 15 of Letters Patent Act, against the order made in W.P.(MD) No. 16480 of 2018 dated 03.01.2019.

Prayer in WP(MD). 16480 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent No.2 to revoke the Suspension of the petitioner and reinstate the petitioner in the post of Panchayat Secretary at Veeracholan Village, Thiruchuli Taluk, Virudhunagar District in the light of judgment passed by the Honourable Supreme Court in Ajay Kumar Choudhary -vs - Union of India reported in (2015) 7 SCC 291 within the time stipulated by this Honourable Court.

For Appellants : Mr.V.R.Shanmuganathan, Spl.G.P.

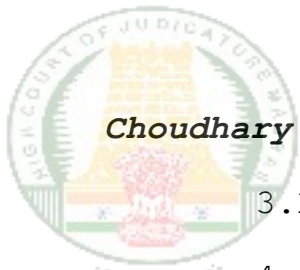
For Respondent : Mr.I.Pinaygash

JUDGMENT

(Judgment was delivered by K.RAVICHANDRABAABU, J.)

This Writ Appeal is directed against the order made in W.P. (MD) No. 16480 of 2018 dated 03.01.2019.

2. The appellants are the respondents before the Writ Court. The Writ petition was filed for a Mandamus, directing the second respondent to reinstate the petitioner in the post of Panchayat Secretary in the light of the judgment passed by the Hon'ble Supreme Court in **Ajaya Kumar**



Choudhary Vs. Union of India reported in **2015(7) SCC 291**.

3. Heard both sides.

4. It is seen that the Writ petitioner was suspended on 14.03.2018 based on serious charges of misappropriation. It is also seen that charge memo has been issued to the Writ petitioner on 17.10.2018. The Writ Court disposed the Writ petition only with a direction to the respondents therein / Appellants herein to revisit the order of suspension in the light of the judgment passed by the Hon'ble Apex Court in **Ajaya Kumar Choudhary Vs. Union of India** and pass a reasoned order on the desirability or otherwise of continuance of suspension. When such being the direction issued by the Writ Court, we do not find any reason as to how the respondents before the Writ Court / Appellants before us are aggrieved against the said order, as it is for them to pass a reasoned order on the desirability or otherwise of continuance of the suspension by taking note of the judgment of the Apex Court in **Ajaya Kumar Choudhary Vs. Union of India**. Therefore, we find no merit in this Writ Appeal. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected C.M.P. is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

TO

1. The District Collector,
Collectorate,
Virudhunagar District.
2. The Block Development Officer,
Block Development Office,
Narikudi Panchayat Union,
Tiruchuli Taluk,
Virudhunagar District.

+1CC TO MR. I. PINAYGASH, Advocate Sr. No. 67724

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR. No. 67896

W.A. (MD) No. 407 of 2019
10.06.2019

KM(CO)

TR (19.06.2019) 2P 5C