



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.5237 of 2018

and

WMP(MD) Nos.5209 and 5210 of 2018

P.Ramesh

.. Petitioner

vs.

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The Assistant Director of Panchayats,
Collector Office Complex,
Pudukottai,
Pudukottai District.

3.The Block Development Officer (Village Panchayat),
Panchayat Union Office,
Kandarvakottai,
Pudukottai District.

4.The President/Special Officer,
Village Panchayat Office,
Punalkulam Post,
Kandarvakottai Panchayat Union,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order of suspension passed by the 4th respondent in Na.Ka.No.1/2007 dated 02.04.2007 and quash the same as illegal and consequently directing the 4th Respondent to reinstate the petitioner as Panchayat Clerk (Now designated as Secretary of Village Panchayat) with attendant and consequential benefits within the period that may be stipulated by this Court.

For Petitioner : Mr.P.Kandasamy

For R1 & R2 : Mrs.J.Padmavathy Devi

<https://hcservices.ecourts.gov.in/hcservices/>

Special Government Pleader

For R3 : Mr.M.Rajarajan

ORDER

This writ petition has been filed seeking to quash the impugned order of suspension dated 02.04.2007 passed by the fourth respondent against the petitioner and consequently to direct the fourth respondent to reinstate the petitioner in service as Panchayat Clerk (Now designated as Secretary of Village Panchayat) with attendant and consequential benefits.

2. Heard the learned counsel for the petitioner; the learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent.

3. The case of the petitioner is that he was serving as a Clerk in the office of the fourth respondent. While so, he was placed under suspension on certain allegations. The grievance of the petitioner is that the fourth respondent has neither reviewed the order of suspension nor revoked the same and further, he has not been paid with subsistence allowance for more than ten years. Hence, seeking such relief, he made a representation dated 23.01.2018 to the respondents and the same is pending without taking any action. Therefore, the petitioner is before this Court.

4. Though the petitioner sought to quash the impugned order of suspension passed by the fourth respondent, the learned counsel for the petitioner during the course of argument, restricted the same to the extent of seeking a direction to the respondents to consider the representation of the petitioner dated 23.01.2018 on merits, for which, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel for the third respondent have no serious objection.

5. In view of the above submissions, this Court, without going into the merits of the matter, directs the respondents to consider the petitioner's representation dated 23.01.2018, in the light of the decision rendered by the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary Vs Union of India reported in (2015) 7 SCC 291 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD) Nos. 5209 and 5210 of 2018 are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //



To

- 1.The District Collector,
Pudukottai,
Pudukottai District.
- 2.The Assistant Director of Panchayats,
Collector Office Complex,
Pudukottai,
Pudukottai District.
- 3.The Block Development Officer (Village Panchayat),
Panchayat Union Office,
Kandarvakottai,
Pudukottai District.
- 4.The President/Special Officer,
Village Panchayat Office,
Punalkulam Post,
Kandarvakottai Panchayat Union,
Pudukottai District.

+1cc to Mr.P.KANDASAMY, Advocate, SR.No.63862

+1cc to M/s.Special Government Pleader,SR.No. 64915

W.P(MD) No.5237 of 2018

MJ

KK/SAR/03.06.2019/3P-7C

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