



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No. 9391 of 2019

A.Sivakumar

... Petitioner

Vs

1. The Director of Town Panchayats,
Kuralagam,
Chennai-600 108.

2. The Assistant Director of Town Panchayats,
N.G.O.Colony,
Tirunelveli.

3. Pathamadaai Town Panchayat,
represented by its Executive Officer,
Pathamadaai,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to revoke the order of suspension passed by him in Na.Ka.No.148/2015, dated 14.12.2015 permit the petitioner to re-join duty.

For Petitioner : Mr.R.Subramanian

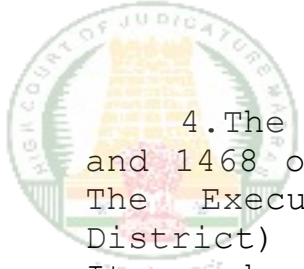
For Respondents : Ms.J.Padmavathi Devi
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner is working as line man. He was sponsored by the Employment Exchange, Tirunelveli. He was suspended from service on the ground that he has falsely projected himself as a physically challenged candidate. Hence, he was placed under suspension by order dated 14.12.2015.



4.The Hon'ble Division Bench of this Court in W.A(MD)Nos.1467 and 1468 of 2015, dated 23.09.2016 (S.Periyasamy, Jesu Antony Vs. The Executive Officer, Ayakudi Town Panchayat, Tirunelveli District) directed the employer to revoke the suspension orders. 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.

5.Respectfully following the aforesaid decision, this Court is inclined to direct the third respondent herein to revoke the order of suspension which is impugned in this writ petition and consequently reinstate the petitioner in service forthwith. It is however made clear that the third respondent is at liberty to proceed with the disciplinary proceedings initiated against the petitioner and pass final orders in accordance with law.

6.Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director of Town Panchayats,
Kuralagam, Chennai-600 108.
2. The Assistant Director of Town Panchayats,
N.G.O.Colony, Tirunelveli.
3. The Executive Officer,
Pathamadai Town Panchayat,
Pathamadai, Tirunelveli District.

+1 CC to Mr.R.SUBRAMANIAN, Advocate (SR-61308[F] dated 16/04/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-61542[F] dated 22/04/2019)

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