



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD) .No. 2209 of 2019

and

W.M.P.(MD) Nos. 1758 & 1759 of 2019

S. Petchithai

: Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Commissioner,
Panchayat Union,
Kalakkad, Tirunelveli District.
3. The Headmaster,
Panchayat Union Primary School,
Surankudi, Nanguneri Taluk,
Tirunelveli District.
4. The Inspector of Police,
Kalakkad Police Station,
Kalakkad, Tirunelveli District.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus calling for the records relating to the Impugned charge Memo in ந.க. எண்.நு9/24452/2018 dated 25.06.2018 and order of suspension by impugned order in ந.க. எண்.நு9/24452/2018 dated 25.06.2018 of the first respondent and to quash the same and consequently directing the first respondent to reinstate the petitioner in service with providing all benefits.

For Petitioner

: Mr.J. David Ganesan for
Mr. J. Ashok

For Respondents-1, 3 & 4

: Mr.Aayiram K. Selvakumar
Additional Government Pleader

For Respondents-2

: Mr.P. Kannithevan
Additional Government Pleader

**ORDER**

This Writ Petition has been filed to quash the charge memo and the impugned suspension order, dated 25.06.2018 in ந.க. எண். 19/24452/2018 passed by the first respondent and to reinstate the petitioner in service with providing all benefits.

2. Though this petition has been filed to give a positive direction to the respondents, the learned counsel appearing for the petitioner made a statement before this Court that it is sufficient to direct the first respondent to complete the enquiry, within the time stipulated by this Court.

3. The learned Additional Government Pleader appearing for the respondents-1, 3 & 4 has submitted that, if the petitioner shall co-operate with the enquiry, the first respondent shall complete the enquiry as per rules and on merits, within a specified time that may be fixed by this Court.

4. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to pass the following order:

1. The first respondent is directed to appoint an enquiry officer, (if not appointed earlier), shall complete the enquiry, within a period of six months, from the date of receipt of a copy of this order.
2. This Court directs the petitioner to co-operate with the enquiry to be conducted by the enquiry officer.
3. After completing the enquiry, the first respondent is directed to pass a final order based on the enquiry report, within a period of six (6) months, thereafter.

5. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.



2. The Commissioner,
Panchayat Union,
Kalakkad, Tirunelveli District.

3. The Headmaster,
Panchayat Union Primary School,
Surankudi, Nanguneri Taluk,
Tirunelveli District.

4. The Inspector of Police,
Kalakkad Police Station,
Kalakkad, Tirunelveli District.

+1 CC to M/s.S.SAJI BINO, Advocate (SR-77110[F] dated 24/07/2019)

WP(MD) .No. 2209 of 2019
23.07.2019

ksa

JMN(16.08.2019) 3P : 6C