



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

WEB COPY

WP(MD)No.5961 of 2019

Jegatheeswaran

... Petitioner

Vs.

1.The District Collector,
Pudukottai District.

2.The Assistant Director (Panchayat),
District Collector of Office,
Pudukottai District.

3.Block Development Officer,
Aranthangi union,
Pudukottai District.

4.The Special Officer,
Avanathankottai Village Panchayat,
Aranthangi Taluk,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to reinstate the petitioner as a Secretary in the 4th respondent Village Panchayat.

For Petitioner	: Mr.N. Balakrishnan
For R1 and R2	: Mr.Aayiram K. Selvakumar Additional Government Pleader
For R4	: Mr. A.Thiyagarajan Government Advocate

ORDER

This Writ Petition has been filed for issuing a direction to the respondents to reinstate the petitioner as a Secretary in the 4th respondent / Village Panchayat.

2. According to the petitioner, while he was working as a Secretary of the 4th respondent Panchayat, a criminal case has been registered against him for the alleged offence punishable under Section 366(A) IPC. Pursuant to the Criminal case, the petitioner was terminated from service by the 4th respondent on 03.06.2013. Thereafter, the said criminal case was taken on file in S.C.No.10



of 2013, on the file of the Mahila Court, Pudukottai and the same ended in acquittal. Thereafter, the petitioner's request for reinstatement was declined by 3rd respondent. Therefore, the petitioner has filed a Writ Petition in WP(MD).No.15550 of 2013 before this Court and this Court, by order, dated 04.12.2013 quashed the termination order and granted liberty to the respondents to proceed with the case in the manner known to law. Subsequently, the petitioner has made a representation, dated 06.08.2018 to the first respondent, but, the same has not been considered so far.

3. The learned counsel for the petitioner submitted that the respondent has not initiated any steps to reinstate the petitioner into service. Therefore, he has filed the present Writ Petition before this Court with the aforesaid prayer.

4. At the time of hearing, the learned counsel appearing for the petitioner submitted that even though a larger relief is sought for in this Writ Petition, it would suffice, if a direction is issued to the first respondent to consider and pass orders on the representation of the petitioner, dated 06.08.2018, for which, the learned Additional Government Pleader appearing for the respondents has no serious objection.

5. Having regard to the limited scope of the prayer made by the petitioner and considering the submissions made on either side, this Court, without expressing any opinion on the merits of the petitioner's case, directs the first respondent to consider the representation of the petitioner, dated 06.08.2018 on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner. Needless to say that the petitioner shall forward a copy of the representation along with a copy of this order to the first respondent, to enable him to comply with directions issued by this Court.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

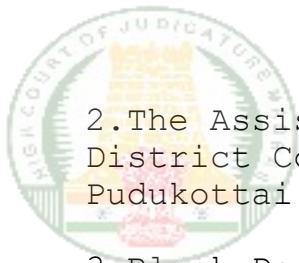
Assistant Registrar(Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Pudukottai District.



2.The Assistant Director (Panchayat),
District Collector of Office,
Pudukottai District.

3.Block Development Officer,
Aranthangi union,
Pudukottai District.

4.The Special Officer,
Avanathankottai Village Panchayat,
Aranthangi Taluk,
Pududukottai District.

+1 CC to M/s.N.BALAKRISHNAN, Advocate (SR-80384[F] dated 07/08/2019)

+1 CC to M/s.SPL GP (SR-80662[F] dated 08/08/2019)

WP (MD) No.5961 of 2019
07.08.2019

trp
JM/05.09.2019/3P/7C