



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.9799 of 2014

WEB COPY

Kumaresan

... Petitioner

-Vs-

1.The District Collector,
(Development Section),
Theni District.

2.The Assistant Director (Panchayat),
Collectorate Campus,
Theni District.

3.The Block Development Officer,
Village Panchayat,
Andipatti Panchayat Union,
Theni District.

4.The President,
Sitharpatti Panchayat,
Andipatti Panchayat Union,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to regularize the period of the petitioner's non-employment ie., from 18.08.2011 to 04.10.2013 as per the proceedings of the third respondent in Na.Ka.No.3216/2011/B1 dated 18.11.2014 and to give the monetary benefits for the above period within the time frame as fixed by this Court.

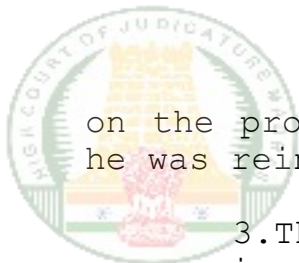
For Petitioner	: Mr.V.Antony Santhosh
For R1, R2 & R4	: Mr.K.Mu.Muthu, Additional Government Pleader.
For R3	: No Appearance

ORDER

The relief sought for in the present Writ Petition is to direct the respondents 1 to 3 to regularize the period of the writ petitioner's non-employment from 18.08.2011 to 04.10.2013 as per the proceedings of the third respondent dated 18.11.2014 and to give monetary benefits for the above period.

2.The writ petitioner was working as Panchayat Clerk and on account of certain allegations, an enquiry was conducted and based

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



on the proved charges, he was removed from service. Subsequently, he was reinstated, pursuant to the orders of this Court.

3.The grievance of the writ petitioner is that the period of suspension is yet to be regularized. However, the eligibility as well as the period on which the writ petitioner had actually not worked, are to be taken into account and accordingly, the period of suspension is to be regularized in accordance with the rules in force. The principle of No Work No Pay will be applicable. However, the period is to be regularized for the purpose of qualifying service and for settlement of all other benefits during the retirement period.

4.Under these circumstances, the second respondent is directed to consider the representation submitted by the writ petitioner on 24.06.2013 and pass orders on merits and in accordance with law as expeditiously as possible, preferably, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5.With these directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

- 1.The District Collector,
(Development Section),Theni District.
- 2.The Assistant Director (Panchayat),
Collectorate Campus, Theni District.
- 3.The President,
Sitharpatti Panchayat,
Andipatti Panchayat Union, Theni District.

+1 CC to M/s.U. ANTONY SANTHOSH, Advocate (SR-83925[F] dated 28/08/2019)

+1 CC to M/s.SPL GP (SR-84202[F] dated 29/08/2019)

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28.08.2019

Myr

MS/12.09.2019/2P.6C