



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.07.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13882 of 2018

and

W.M.P. (MD) No.12606 of 2018

S.Chitra

...Petitioner

Vs.

1.The District Collector,
Collectorate, Sivagangai District.

2.The Personal Assistant to
District Collector (Panchayats),
Collectorate, Sivagangai District.

3.The Block Development Officer,
Block Development Office,
Kallal Union, Sivagangai District.

...Respondents

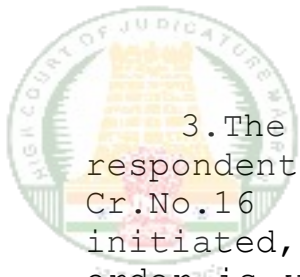
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent No.3, to revoke the suspension of the petitioner and reinstate the petitioner in the post of the Panchayat Secretary at Sivagangai District in the light of order passed by the Honourable Supreme Court in Ajay Kumar Choudhary vs Union of India, reported in (2015) 7 SCC 291 within the time stipulated by this Court.

For Petitioner	: Mr.I.Pinaygash
For R1 to R3	: Mr.Aayiram K.Selvakumar Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the third respondent to revoke the suspension of the petitioner and reinstate the petitioner into the service.

2.The learned counsel for the petitioner would submit that the petitioner was appointed as Panchayat Secretary. In the meantime, a case in Cr.No.16 of 2012 on the file of the Nachiyarpuram Police Station, Sivagangai District, has been registered against the petitioner. Pursuant to the criminal case, the petitioner was placed under suspension by the third respondent by order dated 14.01.2012. After that, the respondent did not frame any charge against the petitioner till date. Hence, the petitioner made a representation on 13.06.2018 to the respondents to quash the order of suspension, but till date no action has been taken. Hence, the petitioner is before this Court for the relief as stated above.



3.The learned Additional Government Pleader appearing for the respondents would submit that pursuant to the criminal case in Cr.No.16 of 2012, the departmental proceedings have been initiated, the charge has already been framed and the final order is yet to be passed against the petitioner. With reference to the prayer made in this writ petition, the learned Additional Government Pleader would submit that the second respondent is the competent authority to pass appropriate orders revoking the order of suspension.

4.On perusal of the records, it is seen that no final order has been passed for the charges framed against the petitioner till date.

5.In the light of the above said submission made on either side, this Court directs the respondents to pass final orders for the charges against the petitioner within a period of eight weeks from the date of receipt of a copy of this order. If no such final order is passed within the aforesaid period, the second respondent is directed to pass appropriate orders revoking the order of suspension.

6.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Collectorate, Sivagangai District.

2.The Personal Assistant to
District Collector (Panchayats),
Collectorate, Sivagangai District.

3.The Block Development Officer,
Block Development Office,
Kallal Union, Sivagangai District.

+1 CC to Mr.I.PINAYGASH, Advocate SR-74446.

+1 CC to SPL GP SR-74539.

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