



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2019

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD). No. 15785 of 2016 and

WMP (MD). Nos. 11579 and 11580 of 2016

WEB COPY

R. Mariappan

.. Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Chepauk, Chennai - 05.

2. The Commissioner,
Tenkasi Municipality,
Tenkasi-627 811,
Tirunelveli District.

.. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned suspension order issued by the 2nd respondent in proceedings in Na.Ka.No.432/2013/C1, dated 01.02.2013 and quash the same and consequently, direct the respondents to reinstate the petitioner in service with all attendant and monetary and other benefits.

For Petitioner

: Mr.M.Saravanakumar

For R1

: Mr. Aayiram K. Selvakumar

Additional Government Pleader

For R2

: Mr.P. Athimoolapandian

O R D E R

This Writ Petition has been filed to quash the impugned suspension order issued by the 2nd respondent in his proceeding in Na.Ka.No.432/2013/C1, dated 01.02.2013 and consequently, direct the respondents to reinstate the petitioner into service with all attendant and monetary and other benefits.

2. According to the petitioner, this Court by order dated 16.12.2013 in WP(MD).No. 20287 of 2013 has given a direction to the second respondent to consider the petitioner's representations, dated 21.06.2013 and 08.08.2013 for reinstatement into service and pass appropriate orders, within a period of three months from the date of receipt of a copy of that order. As per the said direction of this Court, the Joint Commissioner of Municipal Administration has sent a communication to the 2nd respondent viz., Municipal Commissioner, Tenkasi by proceeding in Na.Ka.No.56227/2013/ V2(OP4), dated 10.04.2014, and thereafter, the 2nd respondent has forwarded a proposal to the first respondent



on 30.09.2014, but, so far no order has been passed in the said proposal. In such circumstances, the petitioner has filed the present Writ Petition.

3. 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 the proposals forwarded by the second respondent, dated 07.03.2014 and 30.09.2014 respectively within the time frame fixed by this Court.

4. The learned Additional Government Pleader appearing for the 1st respondent would submit that the said proposal is pending before the 1st respondent and the same will be considered on merits and in accordance with law.

5. In view of the said submission made by the learned counsel on either side, this Court, without going into the merits of the case, directs the first respondent to consider the proposals made by the 2nd respondent, dated 07.03.2014 and 30.09.2014 respectively, on merits and in accordance with law and pass appropriate orders, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Commissioner of Municipal Administration,
Chepauk, Chennai - 05.

2.The Commissioner,
Tenkasi Municipality,
Tenkasi - 627 811, Tirunelveli District.

+1 CC to SPL GP SR-76321.

+1 CC to Mr.M.SARAVANA KUMAR, Advocate SR-76436.