



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1346 of 2019
and
C.M.P. (MD)No.11315 of 2019

V.Murugan ... Appellant / Petitioner

Vs.

1.The Executive Officer,
Selection Grade Town Panchayat,
Nazareth, Tuticorin District.

2.M.Rengasamy ... Respondents / Respondents
The Executive Officer,
Selection Grade Town Panchayat,
Nazareth, Tuticorin District.

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the order passed in W.P.(MD)No.21811 of 2019 dated 16.10.2019.

Prayer in WP(MD). 21811/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records of the impugned order of the 1st respondent in Na.Ka.No.98/2019 dated 07.03.2019 and quash the same and consequently direct the 1st respondent to reinstate the petitioner into service.

For Appellant : Mr.H.Arumugam
For R1 : Mr.S.Angappan
Government Advocate

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.H.Arumugam, learned counsel for the appellant and Mr.S.Angappan, learned Government Advocate for the official respondent. By consent on either side, this writ appeal is taken up for final disposal.



2. This appeal is directed against the order, dated 16.10.2019 made in W.P.(MD)No.21811 of 2019, which was filed by the appellant to quash the order passed by the first respondent, dated 07.03.2019 rejecting the representation made by the appellant to revoke his suspension.

3. We have perused the order dated 07.03.2019, which was impugned in the writ petition and we find that the first respondent has rightly taken note of the circumstances and thought fit not to revoke the order of suspension. We cannot substitute our views to that of the views taken by the disciplinary authority and we could not act like an appellate authority over the finding of the Disciplinary Authority.

4. Considering the nature of charges framed against the appellant, he has to face the disciplinary proceedings. The fact that the First Information Report was closed as 'mistake of fact', cannot be a sole reason for revoking the order of suspension. We find no reason to interfere with the order of the learned writ Court. Accordingly, this writ appeal fails and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

The Executive Officer,
Selection Grade Town Panchayat,
Nazareth, Tuticorin District.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-102047[F] dated 28/11/2019)

ORDER MADE IN
W.A. (MD)No.1346 of 2019
27.11.2019

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SDS (13.12.2019) 2P 3C