



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.7690 of 2013

and

M.P.[MD]No.1 of 2013

Annarabin

... Petitioner

Vs.

1.The President,
Atchampadu Panchayat,
Radhapuram Taluk,
Tirunelveli District.

2.T.Anthony Vinnarasu
President,
Atchampadu Village,
Valliyoar Union,
Tirunelveli District.

3.The Block Development Officer,
Valliyoar Block,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent dated 16.04.2013 and quash the same and consequently direct the respondents to pay all monetary and service benefits with arrears.

For Petitioner : Mr.H.Arumugam

For Respondent No.1 : Mr.R.Anand

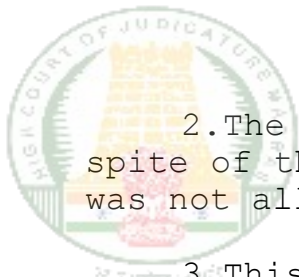
For Respondent No.3 : Mr.D.Muruganantham

Additional Government Pleader

O R D E R

The order of suspension issued against the writ petitioner in proceedings dated 16.04.2013 is under challenge in the present writ petition.

2.The writ petitioner was appointed as Over Head Tank and Motor Operator in respondent Panchayat. On account of certain allegations, the writ petitioner was placed under suspension specifically for the period from 16.04.2013 to 06.05.2013. The learned Counsel appearing for the respondent also states that it is only an order of suspension issued for a specific period and after the expiry of the order of suspension, the respondents are bound to allow the writ petitioner to continue in service.



2.The learned Counsel for the writ petitioner states that in spite of the interim stay granted by this Court, the writ petitioner was not allowed to join duty.

3.This Court is of the considered opinion that the order of suspension is self-explanatory that the period of suspension is from 16.04.2013 to 06.05.2013. Then, the writ petitioner must be allowed to join duty after the expiry of the period of suspension. However, the fact remains that the writ petitioner has not joined service and now not performing the duties and responsibilities. Under these circumstances, the principle of 'No Work No Pay' would be applicable to the writ petitioner and he cannot claim any salary for the period for which he has not served. However, the departmental proceedings must be allowed to continue and a final decision is to be taken in respect of the disciplinary proceedings initiated against the writ petitioner.

4.In this regard, the third respondent is directed to continue the departmental disciplinary proceedings initiated against the writ petitioner, after affording opportunity to the writ petitioner and pass final orders as expeditiously as possible. As far as the suspension order is concerned, it is no more in force. Therefore, the third respondent / Block Development Officer, Valliyoor Block, Tirunelveli is directed to reinstate the petitioner in service and the salary may be paid perspectively from the date of joining.

5.With these directions, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To
The Block Development Officer,
Valliyoor Block,
Tirunelveli.

+1 CC to Mr.H.ARUMUGAM, Advocate SR-67822.
+1 CC to SPL GP SR-67849.
+1 CC to Mr.R.ANAND, Advocate SR-68054.

W.P(MD)No.7690 of 2013