

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.36506 of 2007

N.K.Rajendiran

.. Petitioner

Vs.

1. The District Collector,
Ariyalur District,
Ariyalur.

2. The Block Development Officer,
Jayamkondam Panchayat Union,
Ariyalur District.

3. The President,
Iravankudi Panchayat,
Jayamkondam Panchayat Union,
Ariyalur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, to call for the records of the third respondent in relating order Na.Ka.No.Nil dated 28.4.2006 and quash the same and further direct the respondents herein to re-instate the petitioner in the post of Water Tank Operator in Iravankudi Panchayat with all attendant benefits, backwages.

For Petitioner : Mr.M.R.Elavarasan

For Respondents : Mr.P.Chinnadurai

Additional Government Pleader for R1

Mr.V.Jayaprakash Narayanan
for R2 and R3

ORDER

The prayer made in this writ petition is to issue a writ of certiorarified mandamus to quash the order of the third respondent dated 28.4.2006 and consequently direct the respondents to re-instate the petitioner in the post of Water

Tank Operator in Iravankudi Panchayat with all attendant benefits and other backwages.

2. According to the petitioner, he was working as a Water Tank Operator in the Iravankudi Panchayat under the control of the third respondent. While he was in service, he was placed under suspension alleging that certain irregularities were occurred in the collection of taxes. Challenging the said order, the petitioner has come forward with this writ petition.

3. The learned counsel for the petitioner submitted that the petitioner was working as a Water Tank Operator and his job is restricted only to maintain proper water supply and maintenance of O.H.T and not more than that it is not the duty of the petitioner to collect any tax. The petitioner was suspended on 28.04.2006 for the reason that certain irregularities were committed by the petitioner, but, after his suspension, no charge memo or departmental proceedings were initiated against the petitioner and subsistence allowances were also not paid as on today.

4. The learned Additional Government Pleader appearing for the first respondent submitted that the petitioner is not entitled for the subsistence allowances.

5. At this juncture, the learned counsel for the petitioner submitted that when the third respondent has got powers to suspend the petitioner, he is also liable to pay the subsistence allowances to the petitioner.

6. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the first respondent, the learned Standing counsel for the respondents 2 and 3 and perused the materials available on record.

7. Admittedly, the petitioner was working as a Water Tank Operator in the third respondent Panchayat and he was placed under suspension on 28.04.2006. Thereafter, the Department has not issued any charge memo or departmental proceedings as against the petitioner and subsistence allowances were also not paid to the petitioner and the respondents are prolonging the suspension order, which violates the principles of natural justice. Further, the respondents has not given any specific reason for not initiating any departmental proceedings for the past fourteen years.

8. Considering the above facts and circumstances, the impugned order dated 28.04.2006 is liable to be set aside and accordingly set aside. As the petitioner already attained the age of superannuation, the respondents are directed to settle

all the monetary benefits to the petitioner in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ms

To

1. The District Collector,
Ariyalur District,
Ariyalur.
2. The Block Development Officer,
Jayamkondam Panchayat Union,
Ariyalur District.
3. The President,
Iravankudi Panchayat,
Jayamkondam Panchayat Union,
Ariyalur District.

+1cc to Mr.V.Jayaprakash Narayanan, Advocate, SR40279
+1cc to Mr.M.R.Elavarasan, Advocate, SR40173
+1cc to The Government Pleader, SR40395

W.P.No.36506 of 2007

CO(GP)
BDL/20/01/2021

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