

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.4625 of 2020
and
WMP 5481 of 2020

T. Elumalai

... Petitioner

-Vs-

1. The District Collector /
Inspector of Panchayat
Villupuram District, Villupuram
2. The Personal Assistant (Development)
to the Collector, Collector's Office
Villupuram District, Villupuram
3. The Block Development Officer / Special Officer
Olakkur Panchayat Union,
Tindivanam Taluk, Villupuram District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, Order or direction in the nature of a Writ of Certiorarified Mandamus calling for the records in Na.Ka.No.Aa2/1680/2012 dated 05.02.2019 and quash the same with a consequential direction directing the respondents to reinstate the services of the petitioner with all benefits.

For Petitioner : Mr.I. Abraham Engles

For Respondents: Mr. P.V. Selvakumar
Additional Government Pleader for R1 & R2.
Mr. I. Sathish
Additional Government Pleader for R3.

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the third respondent, dismissing the petitioner from service.

2. The case of the petitioner is that he was working as a Panchayat Secretary and a charge memo came to be issued against him on the ground that he has produced a false certificate as if he has passed 10th standard. An enquiry was conducted and the report was placed before the third respondent. The third respondent, by an impugned order dated 05.02.2019, terminated the service of the petitioner. Aggrieved by the said order, the petitioner has filed an appeal before the second respondent on 27.11.2019. Since there was absolutely no progress in the appeal filed by the petitioner, the present Writ Petition has been filed directly before this Court challenging the impugned order passed by the third respondent.

3. Heard Mr.I. Abraham Engles, learned counsel appearing on behalf of the petitioner and Mr. P.V. Selvakumar, learned Additional Government Pleader appearing for R1 and R2 and Mr. I. Sathish, learned Additional Government Pleader appearing for R3.

4. As against the order passed by the third respondent, there is an appellate remedy and the petitioner has already filed an appeal before the second respondent. In view of the availability of an alternative remedy, this Court is not inclined to entertain this Writ Petition against the order of the third respondent. However, this Court is inclined to issue directions to the second respondent to complete the enquiry in the appeal and pass final orders, within a time stipulated by this Court.

5. In view of the above, there shall be a direction to the second respondent to complete the enquiry in the appeal and pass final orders strictly in accordance with law within a period of eight (8) weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

bga

Copy to

1. The District Collector /
Inspector of Panchayat
Villupuram District, Villupuram
2. The Personal Assistant (Development)
to the Collector, Collector's Office
Villupuram District, Villupuram
3. The Block Development Officer / Special Officer
Olakkur Panchayat Union,
Tindivanam Taluk, Villupuram District.

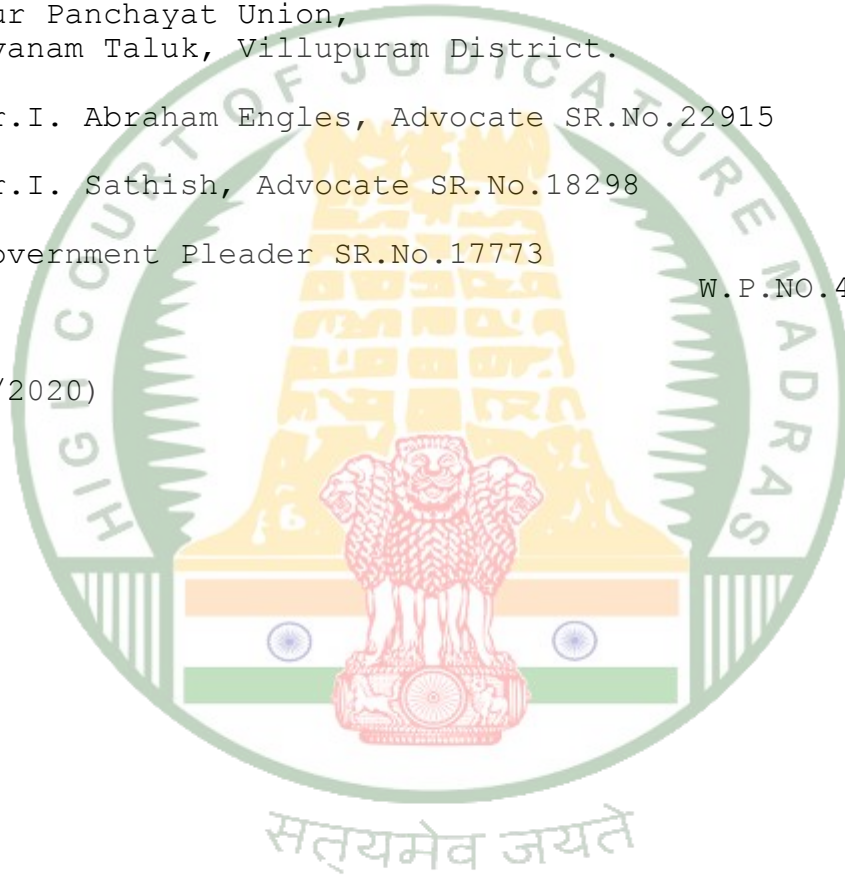
+1cc to Mr.I. Abraham Engles, Advocate SR.No.22915

+1cc to Mr.I. Sathish, Advocate SR.No.18298

+1cc to Government Pleader SR.No.17773

W.P.NO.4625 of 2020

SJ(CO)
GMY(10/06/2020)



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