

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 15.12.2020

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.18581 of 2020

&

W.M.P.No.23046 of 2020

S.Sivasankar

...Petitioner

Vs.

1.Executive Officer,
Karimangalam Selection Grade Town Panchayat,
Karimangalam, Dharmapuri District - 635 111.

2.Executive Officer,
Papparapatti Town Panchayat,
Papparapatt, Dharmapuri District.

3.The Assistant Director of Town Panchayat,
Dharmapuri.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus calling for the records in respect of first respondent in the proceedings No.295/2020/A1, dated 13.05.2020 and charge memo issued in Rc.No.295/2020/A1, dated 17.06.2020 and the consequential order of Assistant Director of Town Panchayat, Dharmapuri District in his proceedings Rc.No.1446/2020/Pey3, dated 13.08.2020 of the third respondent and quash the above said orders and to direct the 1st and 3rd respondents to reinstate the petitioner into service with all attendant service benefits.

For Petitioner : Mr.P.Chandrasekar

ORDER

The Petitioner is working as a Sanitary Worker under the control of the third respondent. While he was working, he was placed under suspension vide proceedings dated 13.05.2020 on the ground that he had collected Rs.41,700/- from consumers, towards drinking water charges and the amounts have not been remitted to the Town Panchayat and thereby committed an act of misappropriation.

2.Subsequent to the suspension order for the said act of

mis-conduct, a charge memo was issued vide proceedings dated 17.06.2020. The petitioner is now before this Court challenging both the suspension order as well as the charge memorandum issued against him. The petitioner has stated so many facts in the affidavit stating that he was not involved in collection of drinking water charges as being Sanitary Worker. According to him, that his duties did not involve in collection of charges and therefore he has been wrongly suspended and implicated in the charges.

3.This Court first of all is not able to appreciate as to how both the suspension order as well as the charge memorandum can be clubbed together in one single Writ Petition. The grounds of challenge in respect of suspension and charge memorandum are different and cannot be a subject matter of challenge in one single Writ Petition without raising any distinguishing grounds in respect of two challenges.

4.Moreover this Court finds that no valid grounds has been raised for sustaining the challenge either to the suspension order or to the charge memorandum. Unless there are any materials to show that both the orders have been passed on extraneous consideration or without jurisdiction, merely because the petitioner has chosen to challenge, this Court cannot entertain the Writ Petition. Not an iota of material has been produced nor any averment worth the merit, is made in the affidavit to entertain this Writ Petition even for a second.

5.Therefore the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

mrm

To

1.The Executive Officer,
Karimangalam Selection Grade Town Panchayat,
Karimangalam, Dharmapuri District - 635 111.

2.The Executive Officer,
Papparapatti Town Panchayat,
Papparapatt, Dharmapuri District.

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3.The Assistant Director of Town Panchayat,
Dharmapuri.

+2cc to Mr.P.Chandrasekar, Advocate, S.R.No. 41328
+1cc to the Government Pleader, S.R.No. 41305

W.P.No.18581 of 2020

PM(CO)
GN(17/02/2021)



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