



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9202 of 2020
and
W.M.P.(MD) No.8396 of 2020

(Through Video conferencing)

P.Jeyaraj

...Petitioner

-Vs-

1.The Personal Assistant to the District
Collector (Development)
Office of the District Collector,
Madurai District, Madurai.

2.The Assistant Director of Panchayats,
Madurai District, Madurai.

3.The Block Development Officer
(Village Panchayats),
Sedapatti Panchayat Union,
Madurai District.

4.The Seelnaickenpatti Village Panchayat,
represented by its Executive Authority cum
Panchayat President,
Seelnaickenpatti Village,
Sedapatti Panchayat Union,
Madurai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records related to the impugned proceedings of the 1st respondent dated 15.04.2020 in Na.Ka.No.60003/2015/V.P.-8 and quash the same and issue a consequential direction to the respondents to allow the petitioner to rejoin service as the Panchayat Secretary of the 4th respondent Village Panchayat.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mrs.J.Padmavathidevi, Spl.G.P.



ORDER

The prayer sought for herein is for a writ of Certiorarified Mandamus, calling for the records related to the impugned proceedings of the 1st respondent dated 15.04.2020 in Na.Ka.No.60003/2015/V.P.-8 and quash the same and issue a consequential direction to the respondents to allow the petitioner to rejoin service as the Panchayat Secretary of the 4th respondent Village Panchayat.

2.Heard Mr.N.Dilip Kumar, learned counsel appearing for the petitioner and Mr.J.Padmavathidevi, learned Special Government Pleader appearing for the respondents.

3.The petitioner has been working as Village Assistant as Seelnaickenpatti village, Sedapatti Panchayat Union, Madurai District, where, he has been placed under suspension by the impugned order dated 15.04.2020 pending contemplation of disciplinary proceedings against him. The said suspension order is under challenge in this writ petition.

4.The learned counsel appearing for the petitioner would submit that, though the impugned suspension order is under challenge on more than one ground, now, the petitioner is confining with the prayer that, after the impugned order, the petitioner has given a representation on 20.07.2020 to the respondents, to review the suspension order, which has been in force for more than three months, in view of the law having been declared by the Hon'ble Supreme Court, to have the periodical review on prolonged suspension, hence, the said representation may be directed to be considered.

5.Heard the learned Special Government Pleader appearing for the respondents, who would submit that, in the light of the said stand taken by the petitioner through the learned counsel appearing for the petitioner, the impugned suspension order can very well be reviewed by considering the representation of the petitioner dated 20.07.2020 and orders would be passed thereon, on merits and in accordance with law, within a time frame to be stipulated by this Court.

6.Considering the said submission made by both sides, this writ petition is disposed of with the following direction:

"The respondents, especially the 1st respondent is hereby directed to consider the representation submitted by the petitioner dated 20.07.2020 and pass orders thereon, after reviewing the suspension order dated 15.04.2020, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy



of this order. In the meanwhile, if any subsistence allowance due payable to the petitioner, the same shall be paid immediately and shall continue to pay every month without fail till the suspension is revoked."

7. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Personal Assistant to the District Collector (Development)
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2. The Assistant Director of Panchayats,
Madurai District, Madurai.
3. The Block Development Officer
(Village Panchayats),
Sedapatti Panchayat Union,
Madurai District.
4. The Executive Authority cum
Panchayat President,
Seelnaickenpatti Village Panchayat,
Seelnaickenpatti Village,
Sedapatti Panchayat Union,
Madurai District.

+1 CC to Mr.N. DILIPKUMAR, Advocate (SR-14280[F] dated 17/08/2020)
Order made in

W.P. (MD)No.9202 of 2020

14.08.2020

VB (09.09.2020) 3P 6C