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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.15600 OF 2020

AND

W.M.P.NOS.19457 & 19459 OF 2020

(Through Video Conferencing)

M.Ganapathi

... Petitioner

.Vs.

1. The District Fire Officer,
Tamil Nadu Fire and Rescue Services,
Salem - 636 007.

2. The Station Fire Officer,
Tamil Nadu Fire and Rescue Services,
Nangavalli Fire Station,
Salem District - 636 454.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 08-06-2020 made in Pa.Vu.No.23/2020, Na.Ka.No.3649-A1-2020 passed by the first respondents and to quash the same, and consequently direct the respondents to re-instate the petitioner in service with all service benefits.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The petitioner has filed this writ petition for a Certiorarified Mandamus, to call for the records relating to the impugned order dated 08-06-2020 made in Pa.Vu.No.23/2020, Na.Ka.No.3649-A1-2020 passed by the first respondents and to



quash the same, and consequently direct the respondents to re-instate the petitioner in service with all service benefits.

2. The petitioner has been named in a criminal proceedings and FIR has been lodged against him pursuant to which, he has been placed under suspension on 08.06.2020.

3. It is the case of the petitioner, there is family dispute within the family. He submits that the petitioner's family also filed a rival complaint against other members of the family which has been registered as FIR in Crime Nos.709 & 710 of 2020.

4. The learned counsel for the petitioner submits that there is a private dispute within the family and it has nothing to do with the service rendered by the petitioner as an employee of the respondent department.

5. After the petitioner was suspended on 08.06.2020, the petitioner sent representation to the first respondent dated 05.08.2020. However, the said representation has not evoked any response from the respondents and therefore the present writ petition has been filed.

6. Considering the above submission, this Court is inclined to dispose this writ petition by directing the respondents to consider the petitioner's representation dated 05.08.2020 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order in accordance with law. While passing such order, the respondents shall consider the ratio of the Hon'ble Supreme Court in Avtar Singh Vs Union of India, (2016) 8 SCC 471.

7. This Writ Petition is disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

arb

To

1. The District Fire Officer,
Tamil Nadu Fire and Rescue Services,
Salem - 636 007.



2. The Station Fire Officer,
Tamil Nadu Fire and Rescue Services,
Nangavalli Fire Station,
Salem District - 636 454.

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+1cc to Mr.C.Prabakaran, Advocate, S.R.No.40811

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KSM(CO)
PBS/03/09/2021