



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9101 of 2021

C.Selvam

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Personal Assistant to District Collector,
Sivagangai District.

3.The Assistant Director of Panchayats,
Sivagangai District.

4.The Block Development Officer,
Manamadurai Panchayat Union,
Sivagangai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pass final order in the pending disciplinary proceedings of the petitioner and reinstate the petitioner with all consequential benefits.

For Petitioner : Mr.S.Vinothkumar
For Respondents : Mr.P.Thilak Kumar,
Standing Counsel for Government

O R D E R

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents to pass final order in the pending disciplinary proceedings of the petitioner and reinstate the petitioner with all



consequential benefits.

4. The case of the petitioner is that he joined as Panchayat Clerk in Kallakurichi Village Panchayat on 05.02.1996 and he has been discharging his duties to the utmost satisfaction of the superiors. While he was working as Panchayat Clerk during the year 2005, he was placed under suspension on 27.01.2005, for the complaint of monetary loss of Rs.1,55,224/- to the Manamadurai Panchayat Union. A criminal case has been initiated against the petitioner and the then President of Kallakurichi Village Panchayat, for the offences punishable under Sections 409 and 420 IPC, before the Judicial Magistrate, Manamadurai in CC No.204 of 2008. After a full-fledged trial, the trial Court acquitted the petitioner and the then President from all the charges. No appeal has been preferred against the above said judgment by the departmental authorities. Thereafter, the petitioner filed a Writ Petition in W.P.(MD) No.12951 of 2017, seeking the relief of reinstatement into service as Panchayat Clerk and the same was disposed of with a direction to the fourth respondent to pass final orders on the pending disciplinary proceedings, within a period of two months from the date of receipt of a copy of that order. In earlier, the first respondent issued a charge memo dated 03.08.2006 to the petitioner and he also submitted his explanation on 06.09.2006. The then Additional Block Development Officer (Auditing), Manamadurai Block, namely R.Malathi was appointed as Enquiry Officer and after conducting enquiry, the Enquiry Officer filed a report on 19.01.2018 stating that the charges against the petitioner were not proved. The grievance of the petitioner is that though the report has been filed by the Enquiry officer, final order in respect of disciplinary proceedings has not yet been passed by the first respondent, due to which, reinstatement was not given to the petitioner so far. Therefore, the petitioner has given detailed representations dated 13.09.2017 and 07.04.2021 to the respondents. Since there was no action has been taken, the present Writ Petition came to be passed.

5. The learned counsel for the petitioner would state that it would be suffice, if a direction is issued to the respondents, to dispose of the representation of the petitioner.

6. The learned standing counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 07.04.2021, on merits and in accordance with law and pass appropriate orders, within a period of six months from the date of receipt of a copy of this order



8. With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (W)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 District Collector,
Sivagangai District.
- 2.The Personal Assistant to District Collector,
Sivagangai District.
- 3.The Assistant Director of Panchayats,
Sivagangai District.
- 4.The Block Development Officer,
Manamadurai Panchayat Union,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-18732[F] dated 03/06/2021)

+1 CC to M/s.M.RAJ KUMAR, Advocate (SR-18778[F] dated 04/06/2021)

W.P(MD)No.9101 of 2021

02.06.2021

KK(15.06.2021) 3P 7C