



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR
W.P. (MD) .No.15534 of 2021
and
W.M.P. (MD) Nos.12457 and 12458 of 2021

Mahesh

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Block Development Officer,
Thiruvarangulam Panchayat Union,
Pudukkottai District.

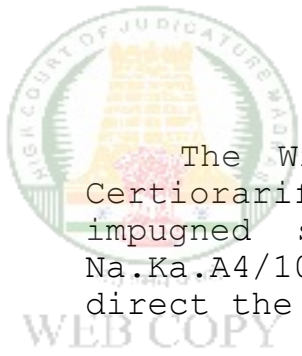
3.The President,
Kothamangalam Village Panchayat,
Thiruvankulam Panchayat Union,
Pudukkottai District.

4.R. Arivalagan,
Ward member,
Kothamangalam Village Panchayat,
Thiruvankulam Panchayat Union,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned suspension order passed by the first respondent in Na.Ka.A4/1003/2019 dated 01.11.2019 and quash the same and further direct the respondents to reinstate the petitioner in service.

For Petitioner	:	Mr.R. Balakrishnan
For Respondents	:	Mr. A.K. Manikkam
		Counsel for State
		for R1 and R2
		Mr. M. Lingadurai
		For R3.



O R D E R

The Writ Petition is filed for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned suspension order passed by the first respondent in Na.Ka.A4/1003/2019 dated 01.11.2019 and quash the same consequently direct the respondents to reinstate the petitioner in service.

2. The case of the petitioner is that the writ petitioner was appointed as Village Secretary in the third respondent Panchayat and while he was in service in the third respondent panchayat, he was suspended from service based on the allegations that the petitioner has failed to remit the arrears of tax to the department and charges were also framed against the petitioner.

3. According to the petitioner the impugned order was passed by the first respondent on 01.11.2019 and levelling charges against the petitioner. Thereafter, petitioner has submitted an application to the respondent department . However they have not considered the explanation of the petitioner so far. The petitioner was placed under prolonged suspension from the year 2019. Therefore, he seeks revocation of the suspension order.

4. After the submissions made by the parties concerned, the learned counsel for the petitioner has fairly submitted before this Court that it would be suffice to pass orders by directing the first respondent to consider the petitioner's explanation for the charges levelled against him, within a period of stipulated time fixed by this Court.

5. The learned Government pleader appearing for the respondents has also agreed that if such explanation has been submitted, the authorities concerned will consider and pass appropriate orders in accordance with law.

6. In view of the aforesaid submissions made by the parties concerned and considering the fact that the writ petitioner has submitted the explanation to the first respondent through proper channel for the allegations made as against him for non remittance of house tax to the department, this Court is of the view that though the said explanations are pending without passing any final orders, this Court directs the first respondent to consider the petitioner's explanation and pass appropriate orders on the aforesaid allegations and charges as expeditiously as possible within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner shall also co-operate in the enquiry before the first respondent. Further allegations of the petitioner is that the respondents have not paid the subsistence allowance to the petitioner during the suspension period. It is needless to say that the respondents have to pay the eligible subsistence allowance to the petitioner as per the rules.



7. With the above direction, the Writ Petition is disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

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/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Pudukkottai District.
- 2.The Block Development Officer,
Thiruvarangulam Panchayat Union,
Pudukkottai District.
- 3.The President,
Kothamangalam Village Panchayat,
Thiruvankulam Panchayat Union,
Pudukkottai District.

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-27800[F] dated 01/09/2021)

+1 CC to M/s.SPL GP (SR-28050[F] dated 03/09/2021)

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