



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**W.P(MD)No.16933 of 2020
& WMP(MD)No .14173 of 2020**

Ala. Muthiah

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Sivagangai District.

2.The Block Development Officer,
(Village Panchayats),
Thiruppuvanam Union,
Sivagangai District.

3.The President,
T.Pullaiyankulam Village Panchayat,
Thiruppuvanam Union,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent vide proceedings in Na.Ka.R.2/1260/2014 dated 11.11.2020 and quash the same as illegal and consequently issue a direction to the respondents to reinstate the petitioner in service, in the post of Village Panchayat Secretary, T.Pulliyankulam Village Panchayat, Thiruppuvanam Taluk, Sivagangai District.

For Petitioner : Mr.R.Udhayakumar
For Respondents : Mr.V.Nirmal Kumar, GA for R1
Mr.M.Rajarajan, for R2

ORDER

Heard Mr.R.Udhayakumar, learned counsel appearing for the petitioner, Mr.V.Nirmal Kumar, learned Government Advocate appearing for the first respondent and Mr.M.Rajarajan, learned counsel appearing for the second respondent.



2.This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent vide proceedings in Na.Ka.R.2/1260/2014 dated 11.11.2020 and quash the same as illegal and consequently issue a direction to the respondents to reinstate the petitioner in service, in the post of Village Panchayat Secretary, T.Pulliyankulam Village Panchayat, Thiruppuvanam Taluk, Sivagangai District.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. This Writ Petition has been filed challenging the order of suspension dated 11.11.2020 passed by the 1st respondent for certain lapses alleged to have been committed by the petitioner while working as Salesman of a Tasmac shop. According to the petitioner, the suspension order cannot be sustained since the 1st respondent is not a competent authority and has no jurisdiction to place him under suspension. Further, according to the petitioner, after placing him under suspension, no charge memo was issued nor enquiry proceedings were initiated.

5. When this Writ Petition is taken up for consideration, it is reported that subsequently, a charge memo dated 31.12.2021 has been issued against the petitioner and the enquiry proceedings is commenced. In view of the same, this Court directs the respondents to proceed with the enquiry and complete the same within a period of 12 weeks from the date of receipt of a copy of this order.

6.Accordingly, with the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

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 District Collector,
Office of the District Collector,
Sivagangai District.

2.The Block Development Officer,
(Village Panchayats),
Thiruppuvanam Union,
Sivagangai District.

3.The President,
T.Pullaiyankulam Village Panchayat,
Thiruppuvanam Union,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-38622[F] dated 14/12/2021)

W.P (MD) No.16933 of 2020
13.12.2021

nsn(CO)
TR(23.02.2022) 3P 5C