



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A(MD)NO.1900 OF 2021

and C.M.P(MD)No.8380 of 2021

WEB COPY

The Secretary to Government,
Municipal Administration and Water Supply
(TP-4) Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-9.

: Appellant/Respondent

.vs.

S.Rajesh Ayyanar Murugan

: Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.3798 of 2016, dated 28.02.2020.

Prayer in WP(MD). 3798 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in G.O.(D)No.694 Municipal Administration & Water Supply (TP.4) Department dated 30.11.2015 quash the same and consequently direct the respondents herein to reinstate the petitioner with arrears of salary from the date of impugned order till reinstatement with interest thereon promotion and all other monetary and attendant benefits.

For Appellant : Mr.R.Baskaran
Addl.Advocate General-VI
for Mr.M.Siddharthan
Addl.Govt.Pleader

For Respondent : Mr.A.Mithun Chakravarthi

JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

This Writ Appeal is filed by the State seeking to set aside the order passed by this Court in W.P(MD)No.3798 of 2016, dated 28.02.2020.



2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Writ Petition was filed challenging the Government Order in G.O(D) No.694, Municipal Administration and Water Supply(TP-4) Department, dated 30.11.2015, in which, the Writ Petitioner was imposed with a punishment of compulsory retirement for his proven charges.

4.When the Writ Court dealt with the matter, after considering the facts and circumstances elaborately, it was held that the impugned punishment order imposed on the Writ Petitioner was unsustainable in law and the same was quashed. It was further found that the Writ Petitioner was entitled to 25% of the back-wages for the non-working period and also entitled for other attendant benefits as per the Rules. Aggrieved by the same, the above Writ Appeal was filed by the State.

5.When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the appellant/State produced a proceedings of the Executive Officer, Uthamapalayam Town Panchayat, Theni District in Na.Ka.No.692/2021, dated 30.09.2021. As per the said proceedings, the Writ Petitioner, who is the respondent in the Writ Appeal, has been reinstated into service in Uthamapalayam Town Panchayat, Theni District from 30.09.2021 Afternoon.

6.The learned counsel appearing for the Writ Petitioner/respondent herein also confirmed the same.

7.Recording the same, the Writ Petition is closed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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
The Secretary to Government,
Municipal Administration and Water Supply
(TP-4) Department, Government of Tamil Nadu,
Fort St.George, Chennai-9.

JUDGMENT MADE IN
W.A(MD)NO.1900 OF 2021
and
C.M.P(MD)No.8380 of 2021
22.11.2021

MMS (CO)
TR(06.12.2021) 3P 2C