



W.P.No.5296 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5296 of 2022

P.Asaithambi

... Petitioner

Vs.

1. The District Collector,
(Panchayat Development Wing),
Namakkal District, Namakkal.

2. The Block Development Officer,
Panchyat Union Commissioner,
Mallasamundram Union,
Mallasamudram, Namakkal District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pass orders, within a limited time frame, with regard to regularization of suspension period from 19.07.2005 to 08.08.2006 and to grant annual increments from 2005 onwards, pay fixation in the revised pay scale, as per the recommendations of the Pay Commissioner and consequential monetary benefits.



WEB COPY



W.P.No.5296 of 2020

For petitioner : Mr.P.Kumaravel
For respondents : Mr.S.Rajesh, Govt.Advocate
for R1
Mr.M.Digvijayapandian,
Addl.Govt.Pleader for R2

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to regularise the suspension period of the petitioner from 19.07.2005 to 08.08.2006 and to grant annual increments from 2005 onwards and to fix the pay in the revised pay scale, as per the recommendations of the Pay Commissioner and to pay consequential monetary benefits.

2. The petitioner was appointed as Nigh Watchman on 04.01.1989 and his service was regularised from 26.06.2000. A Criminal case was registered in Crime No.221/2005 and it was numbered as C.C.No.491 of 2005 on the file of the Judicial Magistrate, Tiruchengode. Subsequently, the suspension order dated 18.07.2005 was revoked on 08.08.2008 and he was reinstated into service. However, his suspension period was not regularised. Hence this writ



W.P.No.5296 of 2020

petition.

WEB COPY

3. The learned counsel appearing for the petitioner submitted that the petitioner has given representation on 15.04.2019 requesting to regularise the suspension period and to grant annual increments and to re-fix his pay. But, no order has been passed. Therefore, the respondents may be directed to consider the representation and to pass appropriate orders.

4. The second respondent filed counter affidavit stating that in view of the criminal case pending against the petitioner, a charge memo was issued and the petitioner was asked to give his explanation on the charges levelled against him. However, the petitioner has not submitted his explanation and hence, the authorities have not come to a conclusion. Further, the order of suspension was revoked, subject to the outcome of the criminal case. At this stage, the suspension period cannot be regularised and the consequential relief prayed by the petitioner cannot be granted.



W.P.No.5296 of 2020

WEB COPY

5. The learned counsel appearing for the respondents reiterated the above contentions raised in the counter affidavit and submitted that the writ petition is liable to be rejected.

6. In view of the specific averments made in the counter affidavit and also taking note of the pendency of the criminal case against the petitioner, this court is not inclined to grant any relief, as sought for in the writ petition.

7. Accordingly, this writ petition is dismissed. No costs.

22.06.2022

Index:Yes/No
Internet:Yes/No
mst

To

1. The District Collector,
(Panchayat Development Wing),
Namakkal District, Namakkal.
2. The Block Development Officer,
Panchayat Union Commissioner,
Mallasamundram Union,
Mallasamudram, Namakkal District.



WEB COPY



W.P.No.5296 of 2020

D. KRISHNAKUMAR, J.

mst

W.P.No.5296 of 2020

22.06.2022