



WEB COPY



W.P.No.30360 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.30360 of 2022
and
W.M.P.No.29801 of 2022

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.. Petitioner

P.Kanagaraj

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Block Development Officer,
Karamadai Panchayat Union,
Karamadai, Coimbatore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to review the suspension order passed by the second respondent, vide proceedings in Na.Ka.No.1911/2017/AA1, dated 01.10.2018 and to consequently direct the respondents to reinstate the petitioner in the post of Panchayat Secretary, Chikkadhasampalayam Village Panchayat, Karamadai Union, Coimbatore, by considering the petitioner's representation, dated 14.10.2022.

For petitioner : Mr.R.Jayaprakash

For respondents: Mr.P.Balathandayutham, Spl.G.P. for R-1

Mr.M.Bindran, Addl.G.P. for R-2



ORDER

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This Writ Petition has been filed for a Mandamus to direct the first respondent to review the suspension order passed by the second respondent on 01.10.2018 and consequently direct the respondents to reinstate the petitioner in the post of Panchayat Secretary, Chikkadhasampalayam Village Panchayat, Karamadai Union, Coimbatore, by considering the petitioner's representation, dated 14.10.2022.

2. The petitioner contends that, earlier, he was dismissed from service without any notice. Aggrieved by the same, he filed a Writ Petition before this Court in W.P.No.29208 of 2018 and by order dated 09.09.2021 passed in the said Writ Petition, this Court quashed the dismissal order and directed the respondents to treat the dismissal order as the suspension order and the respondents were also directed to make endeavour to complete the disciplinary proceedings within a period of 12 months from the date of receipt of a copy of the order.

3. According to the petitioner, even though he has received the charge memo dated 02.03.2018, and despite having given reply on 24.03.2018, till date, the enquiry proceedings have not been initiated by the respondents and the



petitioner has not been called for the enquiry. In such circumstances, the petitioner has given a representation on 14.10.2022 to the respondents to revoke the suspension order, dated 01.10.2018. Since the representation of the petitioner has not been considered till date, the petitioner has filed this Writ Petition.

4. Heard both sides and perused the materials available on record.

5. The learned Special Government Pleader and the learned Additional Government Pleader appearing for the respondents now submitted that enquiry proceedings have already been initiated and Enquiry Officer has also been appointed. However, learned counsel for the petitioner submitted on instructions that the petitioner has not received any notice in the enquiry proceedings. No prejudice would be caused to the respondents, if the petitioner's representation, dated 14.10.2022 seeking for revocation of suspension order, dated 01.10.2018 is considered on merits and in accordance with law within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 14.10.2022 seeking for revocation of suspension order dated 01.10.2018, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this



order.

W.P.No.30360 of 20



WEB COPY

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. is closed.

16.11.2022

CS

To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Block Development Officer,
Karamadai Panchayat Union,
Karamadai, Coimbatore District.



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W.P.No.30360 of 20

ABDUL QUDDHOSE, J

CS

W.P.No.30360 of 2022

16.11.2022