



W.P.No.30317 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

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Inbasakthi

.. Petitioner

Vs.

1.The District Collector,
Collector Office,
Cuddalore – 607 001.

2.The Block Development Officer,
Annagramam Panchayat Union,
Annagramam,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to consider the representation dated 06.08.2022 and to reinstate the petitioner to the post of Night Watchman in Annagramam Panchayat Union and to pay subsistence allowances with all arrears.

For Petitioner : Mr.N.U. Pressanna

For Respondents : Mr.P. Balathandayutham,
Special Government Pleader [R1]

Mr.C. Kathiravan,
Special Government Pleader [R2]



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ORDER

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This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 06.08.2022, requesting the respondents to reinstate him to the post of Night Watchman in Annagramam Panchayat Union and to pay subsistence allowances with all arrears.

2. Heard the learned counsel for the petitioner. Mr.P.Balathandayutham, learned Special Government Pleader, accepts notice on behalf of the first respondent and Mr.C. Kathiravan, learned Special Government Pleader, accepts notice on behalf of the second respondent. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that he was earlier working in the second respondent/Union as a Night Watchman pursuant to an appointment order dated 01.06.2016. He claims that he was also made permanent by the second respondent with retrospective effect i.e., from 01.09.2016 by proceedings of the second respondent dated 19.02.2018. According to the



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petitioner, pursuant to an FIR registered against him in Crime No.19 of 2019 dated 17.01.2019, he was suspended from service by order of the second respondent dated 30.10.2019. According to the petitioner, till date, he has not been paid his subsistence allowance. He would also contend that no disciplinary proceedings has been initiated against him till date. In such circumstances, he seeks for reinstatement. The petitioner had earlier given a representation on 06.08.2022 for the said purpose.

4. No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, within a time frame to be fixed by this Court. However, the petitioner will have to give a fresh representation as in the earlier representation, he has sought for reinstatement instead he ought to have sought for revocation of the suspension order dated 30.10.2019.

5. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondents, requesting them to revoke the suspension order dated 30.10.2019 issued to him, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the said



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ABDUL QUDDHOSE,J.

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representation, the second respondent shall pass final orders on merits and in accordance with law, within a period of four (4) weeks thereafter.

6. With the aforesaid directions, this Writ Petition is disposed of. No costs.

15.11.2022

Speaking/Non-speaking order
Index: Yes/No

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To

- 1.The Agricultural Production Commissioner and
Secretary to Government,
Agricultural Department,
Fort St. George,
Chennai – 9.
- 2.The Director of Agriculture,
Chepauk,
Chennai – 5.

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