



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.886 of 2022

and W.M.P. (MD)Nos.723 and 724 of 2022

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S.Muniasamy

... Petitioner

versus

1. The District Collector,
Tenkasi District,
Collectorate,
Tenkasi.
2. The Personal Assistant (Development)
to District Collector,
Tenkasi District,
Tenkasi.
3. The Special Officer of Thenmalai
Village Panchayat/Block Development
Officer (Village Panchayats),
O/o. The Vasudevanallur Panchayat Union,
Vasudevanallur Post,
Tenkasi District.
4. The President,
Thenmalai Village Panchayat,
Sivagiri Taluk,
Tenkasi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned suspension order passed by the third respondent in her proceedings Na.Ka.No.Aa6/66/2021 dated 05.08.2021 and the consequential order passed in Na.Ka.No.aa6/66/2021 dated 10.12.2021 and quash the same and consequently, direct the respondents to reinstate the petitioner in service by treating the period of suspension as duty period and to grant all attendant and monetary benefits.

For Petitioner: Mr.V.Kathirvelu,
Senior Counsel,
for M/s.Saravanakumar

For R1 and R2 : Mr.P.T.Thiraviam,
Government Advocate



For R3 : Mr.Subburaj,
Special Government Pleader

ORDER

This writ petition is filed against the order of suspension dated 05.08.2021 passed by the third respondent.

2. The petitioner, who is a physically handicapped person, was working as a Panchayat Assistant. While so, a suspension order dated 05.08.2021 has been passed against the petitioner alleging that he has committed mischief and caused loss to the Government. Challenging the same, the present writ petition is filed.

3. Mr.P.T.Thiraviam, learned Government Advocate, appearing for the respondents 1 and 2 submits that the petitioner has tampered the signature of the Block Development Officer and issued a building plan approval, for which, a criminal case has been registered against the petitioner and one Louis and consequently, the petitioner has been placed under suspension.

4. The learned Senior Counsel appearing for the petitioner submits that it is the co-accused, namely, one Louis, committed the mischief. However, the petitioner has remitted a sum of Rs.50,000/-, as mentioned in the suspension order. He further submits that during the suspension period, the petitioner has not been paid subsistence allowance.

5. Though the learned counsel for the petitioner claims that it is the co-accused, one Louis, committed the mischief and the petitioner is in no way connected with the mischief, the same can be ascertained only by conducting the enquiry. Since the petitioner is claiming that he is an innocent and he has remitted a sum of Rs.50,000/- to show his *bona fide*, the third respondent shall proceed with the departmental proceedings by appointing an Enquiry Officer and conclude the same within a period of three months from the date of receipt of a copy of this order. It is needless to mention that pending the suspension order and pending the enquiry, the petitioner is entitled for subsistence allowance.

6. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

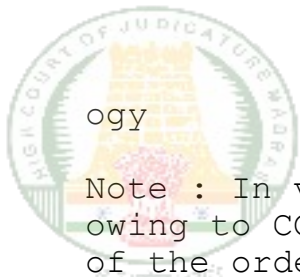
Sd/-

Assistant Registrar(AD-II)

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/ /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,
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O/o. The Vasudevanallur Panchayat Union,
Vasudevanallur Post,
Tenkasi District.

+1 CC to M/s.SPL.GP (SR-2180[F] dated 24/01/2022)

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-1996[F] dated 21/01/2022)

W. P (MD) No. 886 of 2022
21.01.2022

SVS (CO)

TR(18.02.2022) 3P 6C