



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3985 of 2022

and

W.M.P. (MD) No.3416 of 2022

R.Mathanagopal

... Petitioner

-vs-

1.The Commissioner of Town Panchayat,
Office of Commissioner of Town Panchayat, Chennai.

2.The District Collector, Theni District.

3.The Executive Officer,
Devathanapatti Town Panchayat,
Devathanapatti, Theni District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the suo motu impugned order of 2nd respondent in Na.Ka.No.2371/2021/Peru2 dated 24.02.2022 and consequential impugned order of 3rd respondent herein in Na.Ka.No.102/2021/A1 dated 24.02.2022 dismissed the petitioner from service and surrendering the permanent post of petitioner as Record Clerk before the 1st respondent herein, quash the same and consequently direct the respondents herein to reinstate the petitioner herein in service as Record Clerk in the 3rd respondent Town Panchayat with all monetary and other service benefits.

For Petitioner: Mr.K.Appadurai

For R1 and R2 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

O R D E R

The order dated 24.02.2022, surrendering the writ petitioner to the Head Office and relieving the petitioner from the post is under challenge in the present writ petition.

2.The petitioner is working as Record Clerk and the petitioner states that due to serious illness of his mother, the petitioner was unable to attend duty during March, 2019. The petitioner was placed under suspension on 31.08.2021 and a charge memo was issued for unauthorised absence of 521 days. Under these circumstances, the



District Collector, Theni passed an order surrendering the writ petitioner to the Head Office at Commissionerate of Town Panchayat, Chennai. Pursuant to the surrender effected by the District Collector, Theni, the Executive Officer relieved the petitioner in implementation of the orders passed by the District Collector, Theni.

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3.The petitioner was unauthorisedly absent for about 521 days as per the petitioner and a charge memo was issued. The disciplinary proceedings initiated must be concluded as expeditiously as possible. Meanwhile on administrative reasons, the District Collector, Theni surrendered the petitioner to the Commissionerate of Town Panchayat and consequently, the Executive Officer, Devathanapatti Town Panchayat, relieved the petitioner from the post.

4.Surrendering of a person by issuance of posting orders would not affect the service conditions of the person. In view of the fact that the petitioner has already relieved, he has to report for duty before the Commissionerate of Town Panchayat, Chennai, who in turn will issue appropriate posting orders enabling the petitioner to join duty. However, administrative action taken in this regard, would not infringe the service rights of the petitioner and therefore, the petitioner has not established any cause for the purpose of entertaining the writ petition.

5.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1.The Commissioner of Town Panchayat,
Office of Commissioner of Town Panchayat, Chennai.

2.The District Collector, Theni District.

+1 CC to M/s.SPL GP (SR-10346[F] dated 07/03/2022)

W.P.(MD) No.3985 of 2022

04.03.2022

TR(18.03.2022) 2P 4C