



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.4587 of 2022

S.Kalaaignanam

... Petitioner

Vs.

1. The District Collector,
Thanjavur District, Thanjavur.

2. The Personal Assistant (Dev.) to District Collector,
Thanjavur District.

3. The Block Development Officer (VP),
Peravurani,
Office at Aavanam,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pass orders on the petitioner's representation dated 25.01.2021 to reinstate the petitioner into service by revoking the petitioner's suspension order passed by the second respondent R.C.No.510/2021/K5 dated 11.01.2021.

For Petitioner : Mr.V.Manikandan
For R-1 and R-2 : Mr.A.K.Manikkam,
Special Government Pleader.
For R-3 : Mr.P.Thambidurai,
Government Advocate (Civil Side).

ORDER

This Writ Petition has been filed for Mandamus to consider the representation of the petitioner dated 25.01.2021 to revoke the suspension order and allow the petitioner to join duty.

2.The petitioner was appointed as Village Panchayat Secretary on 21.12.2009. The petitioner is having several disputes with one K.Chellaian son of Karuppaiah. There are two civil suits pending in O.S.No.195 of 2016 and O.S.No.267 of 2018. There was a rival dispute, which has ended in criminal case. There was a case and counter case in Crime No.1358 of 2020 and 1359 of 2020. Since FIR is filed against the petitioner, the police arrested the petitioner and remanded to judicial custody on 02.01.2021 and the Hon'ble Principal Sessions Judge, Thanjavur granted bail on 18.01.2021. The petitioner has not attended the duty during the intervening period from 02.01.2021 to 18.01.2021



and based on the principle of deemed suspension, the petitioner was placed under suspension vide order dated 11.01.2021. The petitioner has submitted a representation dated 25.01.2021 seeking to revoke the suspension order and allow him to join duty.

3.This Court is of the considered opinion that since FIR is filed based on the private dispute, which has nothing to do with the official duty. Therefore, following the judgment of Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary Vs Union of India reported in (2015) 7 SCC 291*, this Court is directing the respondents to revoke the suspension and allow the petitioner to join duty. The said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

4.Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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,
Thanjavur District, Thanjavur.
2. The Personal Assistant (Dev.) to District Collector,
Thanjavur District.
3. The Block Development Officer (VP),
Peravurani, Office at Aavanam,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-12698[F] dated 17/03/2022)

+1 CC to M/s.V.MANIKANDAN, Advocate (SR-12601[F] dated 16/03/2022)

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