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Writ Petition No.2171 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2171 of 2023

and

W.M.P.Nos.2250 & 2251 of 2023

S.Kathirvel

S/o.Subramani

...Petitioner

Vs

1.The Commissioner,
Municipality Administrative Department,
Chennai - 05.

2.The Administrative Zonal Director,
Chengalpet Municipality,
Chengalpet.

3.The Commissioner,
Chengalpet Municipality,
Chengalpet.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revoke the order of suspension issued by the third respondent in his proceedings Na.Ka.No.3606/2012/C1 dated 19.06.2013 by considering the representation dated 08.07.2021 made by the petitioner for revoking the order of suspension.

For Petitioner : Mr.V.Sivalingam



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For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to revoke the order of suspension issued by the third respondent through proceedings dated 19.06.2013 by considering the representation made by the petitioner on 08.07.2021.

2. The case of the petitioner is that he was appointed as Water Tank Cleaner in the year 1995 and in the year 2006, he was brought under the time scale of pay by the third respondent and his probation was also declared in the year 2006. While so, a criminal case came to be registered in Crime No.220 of 2013 for various offences and the petitioner was arrayed as A8 in this case.

3. An order of suspension came to be passed by the third respondent on 19.06.2013 taking into consideration the seriousness of the criminal case. The grievance of the petitioner is that for the last ten years, his suspension has not been revoked and various representations have been made in this regard to the respondents and the same did not evoke any response. Left with no



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other option, the present writ petition has been filed seeking for appropriate direction.

4. Heard Mr.V.Sivalingam, learned counsel for the petitioner and Mr.D.Ravichander, learned Special Government Pleader, appearing for the respondents.

5. Taking into consideration the limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to the third respondent to consider the representation made by the petitioner on 25.08.2021 and deal with the same on its own merits and in accordance with law and a final decision shall be taken with regard to revocation of suspension within a period of four (4) weeks from the date of receipt of a copy of this order. If the third respondent had already taken a decision on the representation made by the petitioner, the same shall be communicated to the petitioner. In any event, the petitioner should be informed about the decision taken with regard to revocation of the order of suspension within the time prescribed by this Court.

N.ANAND VENKATESH, J



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Accordingly, this Writ Petition is disposed of with the above direction.

No costs. Consequently, connected miscellaneous petitions are closed.

31.01.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

gm

To

1. The Commissioner,
Municipality Administrative Department,
Chennai - 05.

2. The Administrative Zonal Director,
Chengalpet Municipality,
Chengalpet.

3. The Commissioner,
Chengalpet Municipality,
Chengalpet.

Writ Petition No. 2171 of 2023