



WEB COPY



W.P.No.11019 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.11019 of 2020

Anandaraj

...

Petitioner

/vs/

1. The District Collector,
Tirupur District,
Tirupur – 641 604.
2. Commissioner Gudimangalam,
Gudimangalam Panchayat,
Petthampatti Post,
Tirupur District.
3. Commissioner Kundagam,
Kundagam Panchayat,
Tirupur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to regularise the petitioner's service for the period of suspension from 02.11.2010 to 01.07.2019 and to pay the arrears of salary during the period of suspension by disposing of his representation dated 09.03.2020.



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For Petitioner ... Mr.R.N.Amarnath
For Respondents ... Mr. G.Nanmaran
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a writ of mandamus directing the first respondent to regularise the petitioner's service for the period of suspension from 02.11.2010 to 01.07.2019 and to pay arrears of salary during the period of suspension by disposing of his representation dated 09.03.2020.

2. The learned counsel for the petitioner submitted that the petitioner was appointed as a Noon Meal Organizer on temporary basis at Poollavadi Noon meal centre at Gudimangalam Panchayat Union and thereafter he was transferred to Government High School, Velur; one Emmiammal due had given a police complaint against the petitioner and the same was registered in Cr.No.17/2010 on 29.10.2010; based on the said complaint the petitioner was arrested and detained in view of the order passed by the first respondent dated 02.11.2010 and the petitioner was suspended from service; during the period of suspension the petitioner was not paid with any subsistence allowance; by an order dated 26.03.2018, the learned



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Judicial Magistrate acquitted the petitioner from the charges framed against him.

2.1. After the case attained finality, the petitioner had sent a representation to the first respondent seeking to reinstate him back to service along with monetary benefits and subsistence allowance but the same was not considered; hence the petitioner filed a writ petition before this Court in W.P.No.31144/2018 seeking a direction to the respondents therein to consider his representation; this Court by its order dated 26.11.2018 directed the respondents therein to consider the petitioner's representation; thereafter the first respondent vide order dated 17.06.2019 reinstated the petitioner back into service but there was no order in respect of subsistence allowance and monetary benefits; hence the petitioner once again sent a representation to the first respondent on 09.03.2020 seeking to regularise his service and to pay subsistence allowance for the period of suspension; since the same was not considered so far, the petitioner has filed this Writ Petition.



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3. The learned Special Government Pleader submitted that this Court may direct the first respondent to consider the petitioner's representation dated 09.03.2020 and the first respondent may consider the same and pass appropriate orders.

4. Considering the facts and circumstances of the case, this Court is inclined to issue a direction to the first respondent to consider the petitioner's representation and dispose the same within a stipulated time.

5. Accordingly, this Writ Petition is disposed with a direction to the first respondent to consider the representation of the petitioner dated 09.03.2020 and dispose the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

03.10.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn



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To:

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R.N.MANJULA ,J.

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