



WEB COPY



W.P.No.6677 of 2016 &
WMP Nos.5908 and 5909 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.6677 of 2016 &
W.M.P.Nos.5908 and 5909 of 2016

A.Pandurangan

... Petitioner

Vs.

1. The District Collector,
Villupuram District
Villupuram.

2. The Block Development Officer,
(Village Panchayats)
Vikaravandi Panchayat Union,
Vikaravandi

...Respondents

Writ Petition is filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in his proceedings Na.Ka.Aa2/4166/2010 dated 08.09.2011 and for the records of the 1st respondent in Na.ka.No.PC1/2315/2015 dated 01.06.2015 and quash the same and thereby direct the respondents to place the petitioner in par with other similarly situated employees (Makkal Nala Paniyalar) and also direct the respondents to grant all service benefits.



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For Petitioner : Mr.N.Suresh
For Respondents : Mr.M.S.Premkumar
Government Advocate

ORDER

The present Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in his proceedings Na.Ka.Aa2/4166/2010 dated 08.09.2011 and for the records of the 1st respondent in Na.ka.No.PC1/2315/2015 dated 01.06.2015 and quash the same and thereby direct the respondents to place the petitioner in par with other similarly situated employees (Makkal Nala Paniyalar) and also direct the respondents to grant all service benefits.

2. The brief facts of the case are as follows:-

Originally the petitioner was appointed as makkal nalapaniyalar during the period between 1989 – 1991 and after the general elections and the assumption of the government, all the makkal nalapaniyalar throughout the Tamilnadu were terminated. After a 5 year period and the assumption of new government, makkal nalapaniyalar were reappointed and a fresh order of re-appointment was issued on 10.07.2006, as per G.O.Ms.51 Rural Development and Panchayatraj Department dated 12.06.2006 by the



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1st respondent. On the basis of the false case being launched against the petitioner with malafide motives under Sections 323 and 506(i) of IPC, the petitioner was targeted and actions were taken against the petitioner. Subsequently, the 2nd respondent had passed an impugned order suspending the petitioner from service and remanded to custody from 08.09.2011.

(ii) Further, based on the false case, a case in Crime No.241 of 2011 was registered and taken cognizance in STC No.5423 of 2011 and after full trial on 23.12.2014, the petitioner was acquitted from all the charges on the ground that the case was not proved. Thereafter, the petitioner submitted a representation to the 1st respondent to pay a sum of Rs.25,000/- as ordered for granted similarly situated persons and for revoking the order of suspension and to reinstate the petitioner in the service. Since the issue is pending before the Hon'ble Supreme Court, the request of the petitioner was not considered. After revoking the suspension, the respondents ought to have placed the petitioner in a similar situation, however the same has not been done, hence this petition.

3. The learned counsel for the petitioner would submit that the petitioner was appointed by the 1st respondent and the 2nd respondent has



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no jurisdiction or power to suspend the petitioner. The 2nd respondent ought not to have suspended the petitioner merely because a false case is foisted against the petitioner by the police. Since the case in STC No.5423 of 2011 have been ended in acquittal, the respondents ought to have revoked the order of suspension. Further, the petitioner has also given the representation to the respondents on 20.04.2015 requesting them to consider the reinstatement of the petitioner in view of acquittal in criminal action, however, the same has not been done, hence this petition.

4. The learned Government Advocate appearing on behalf of the respondents submitted that the petitioner's case was considered and he was reinstated into service and thereby submits that nothing survives for adjudication and pleaded to dismiss the petition as infructuous.

5. Heard the learned counsel on either side and perused the documents placed on record.

6. Admittedly, the petitioner was initially appointed as makkal nalapaniyalar during the period between 1989 – 1991 and thereafter, a fresh order of re-appointment were issued on 10.07.2006, as per



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G.O.Ms.51 Rural Development and Panchayatraj Department dated 12.06.2006 by the 1st respondent. Further, the 2nd respondent had passed an impugned order suspending the petitioner from service and remanded to custody from 08.09.2011, on account of a false case being foisted against the petitioner and the same was registered in Crime no.241 of 2011.

7. It is relevant to note that a case in Crime No.241 of 2011 was taken cognizance in STC.No.5423 of 2011 and after full trial on 23.12.2014, the petitioner was acquitted from all the charges on the ground that the case was not proved. Further, the 2nd respondent, by way of proceedings in Na.Ka.No.2/2015/2022 dated 24.08.2022 has reinstated the petitioner at Narasinganoor, wherein the petitioner's name has been found in SI.No.17.

8. Considering the fact that the Crime No.241 of 2011, which was registered for offences under Sections 323 and 506(i) of IPC, was taken cognizance in STC.No.5423 of 2011 and after full trial, on 23.12.2014, the petitioner was acquitted from all the charges on the ground that the case was not proved, further, the 2nd respondent, by way of proceedings in



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Na.Ka.No.2/2015/2022 dated 24.08.2022 has reinstated the petitioner along with the similarly placed persons, at Narasinganoor, wherein the petitioner's name has been found in Sl.No.17, this Court is of the view that the prayer in the writ petition has already been granted to the petitioner and nothing survives for further adjudication.

In view of the above, the present Writ petition is dismissed as infructuous. Consequently, connected miscellaneous petitions are closed.
No costs.

28.04.2023

Index : Yes/No
Internet : Yes/No
Speaking /Non-Speaking Order

ssd

1. The District Collector,
Villupuram District
Villupuram.
2. The Block Development Officer,
(Village Panchayats)
Vikaravandi Panchayat Union,
Vikaravandi



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V.BHAVANI SUBBAROYAN, J.,

ssd

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