



WEB COPY



W.P.No.19655 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.19655 of 2020

S.Ramesh

...

Petitioner

/vs/

1. The District Collector,
District Collectorate,
State Bank Road,
Gopalapuram,
Coimbatore – 641 018.
2. Director of Town Panchayats,
Directorate of Town Panchayats,
Kuralagam, Chennai – 600 108.
3. Assistant Director of Town Panchayats,
Coimbatore Zone,
Coimbatore – 641 018.
4. Executive Officer,
Moppiripalayam Town Panchayat,
Gandhi Kadaistreet,
Vagarayampalayam,
Coimbatore – 641 659.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India
to issue a writ of mandamus directing the respondents to reinstate the



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petitioner back into the job as Junior Assistant in the Office of the respondents, by considering the petitioner's representation dated 16.11.2020 within the time to be stipulated by this Court.

For Petitioner ... Mr. Melwinjabaz

For Respondents ... Mr.G.Nanmaran
Special Government Pleader for R1 to R3
Mr. D.Gopal for R4

ORDER

This Writ Petition has been filed for the issuance of a writ of mandamus directing the respondents to reinstate the petitioner back into the job as Junior Assistant in the Office of the respondents, by considering the petitioner's representation dated 16.11.2020 within the time to be stipulated by this Court.

2. The petitioner has been given with a charge memo dated 23.12.2014. The disciplinary proceedings against the petitioner were initiated and concluded and in which the petitioner was found guilty for some of the charges. However the punishment has not been imposed so far.

3. It is submitted by the learned Special Government Pleader that a



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criminal case has also been pending against the petitioner and trial is pending; hence in order to take a decision with regard to punishment, the department is waiting for the criminal proceedings to get over.

4. Since the disciplinary proceedings against the petitioner have already been completed, the second respondent need not wait for the outcome of the criminal proceedings which is not always relevant to the disciplinary action. In fact the disciplinary proceedings have already been initiated without waiting for the disposal of the criminal case and hence the order of punishment as regards the charges proved ought to have been made without waiting for outcome of the criminal proceedings.

5. Since the decision with regard to the imposition of punishment is pending, the order to reinstate the petitioner is not possible. Hence, I feel it is appropriate to issue direction to the second respondent to pass an order of punishment fitting to the charges proved within a time frame.



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6. Accordingly, this writ petition is disposed with a direction to the second respondent to pass an order about punishment against the petitioner fitting to the charges proved against him, within a period of four weeks from the date of receipt of a copy of this order. No costs.

18.10.2023

Index: Yes / No

Speaking order / Non-speaking order

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To:

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R.N.MANJULA ,J.

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