



W.P.No.32269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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N.Palanisamy

...Petitioner

Vs

1. The District Collector

Cuddalore District

Cuddalore

2. The Director

Rural Development & Panchayat Raj Department

Panagal Building, Saidapet

Chennai – 600 015

3. The Assistant Director

Rural Development & Panchayat Raj Department

Virudhachalam District, Virudhachalam

4. The Block Development Officer

Srimushnam Taluk

Cuddalore District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to



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consider the representation of the petitioner dated 16.02.2023 in the light of G.O.Ms.No.81 and to reinstate the petitioner to continue with the services with all backwages.

For Petitioner : Mr.V.B.Thirupathi Kumar

For Respondents : Mrs. V. Yamuna Devi
Special Govt. Pleader for R1 to R3

Mr.M.S.Premkumar
Government Advocate for R4

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner seeks for quashing of the suspension order dated 24.09,2020 based on the representation of the petitioner dated 16.02.2023.

3. Admittedly, the petitioner has been implicated in a criminal case in Crime No.5 of 2020 for an offence under Section 7 of the Prevention of Corruption (Amendment) Act, 2018. G.O.Ms.No.81, Human Resources



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Management (N) Department, dated 04.08.2022, places an embargo for revocation of suspension to the Government servants who are involved in criminal cases.

4. It is only for the concerned authority to re-consider the petitioner's case, by exempting the petitioner from the purview of the Government Order and this Court, exercising its powers under Article 226 of the Constitution of India, will not venture into overlooking G.O.Ms.No.81, dated 04.08.2022.

5. In this context, the petitioner is granted liberty to make a fresh representation to the respondents seeking for re-consideration of revoking the suspension order and on receipt of such a representation, the concerned respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of the representation.



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6. Accordingly, the Writ Petition stands disposed of. No costs.

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Index:Yes/No

Speaking order/Non-speaking order

gpa

To

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M.S.RAMESH,J.

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