



W.P(MD)No.4965 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4965 of 2023

and

W.M.P.(MD)No.4626 of 2023

D.Chellappa

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai – 625 020.

2.The Additional Director,
Panchayat / Audit,
Collectorate Building,
Madurai – 625 020.

3.The Block Development Officer (Village Panchayat),
Madurai East Panchayat Union,
Madurai – 625 002.

4.The President,
Kathakinaru Panchayat,
Madurai East Panchayat Union,
Madurai – 625 107.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus,

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calling for the records in pursuant to the impugned proceedings in Na.Ka.No.4923/2015/Panchayat-8 dated 27.12.2022 passed by the 1st respondent and consequently directing the 1st respondent to reinstate the petitioner by revoking his suspension order dated 27.12.2022.

For Petitioner : Mr.P.Saravanakumar

For Respondents : Mr.T.Villavan Kothai,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner challenges the impugned order of suspension. The suspension order reads that the petitioner was appointed as Panchayat Writer in the year 2000, even though he was not having the requisite qualification. The rules stipulate that the appointee must have passed 10th standard. Such a qualification was obtained by the petitioner only recently. It is for this reason, the impugned order of suspension has been passed.



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3.I do not want to go into the larger issue. The only question that calls for consideration is whether the petitioner deserves to be placed under suspension. The fact remains that for more than twenty three years, he has been working in the said post. He has acquired the educational qualification also recently. The stand of the petitioner is that he originally joined service as Health Care Foreman. The qualification prescribed for the said post is only 8th standard pass. Subsequently, by a panchayat resolution, he was appointed as Panchayat Writer. According to the petitioner's counsel, the petitioner did not commit any act of forgery or indulge in misappropriation.

4.In this factual background, the continued suspension of the petitioner is not really warranted. Granting liberty to the respondents to take action as per law, the respondents are directed to reinstate the petitioner in service without any delay. I make it clear that I have not set aside the impugned order.



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5.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petition is closed.

05.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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