



W.P(MD)No.5720 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5720 of 2023
and
W.M.P.(MD)No.5324 of 2023

M.Thangamani

... Petitioner

Vs.

1.The Director of Municipal Administration
Office of Municipal Administration
Chennai.

2.The Commissioner,
Srivilliputhur Municipality,
Virudhunagar District.

3.Babu
The Manager,
Srivilliputhur Municipality,
Virudhunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of suspension passed by the second respondent in Na.Ka.No.305/2023/C1, dated 14.02.2023 and quash the same and consequently, direct the second respondent to reinstate the petitioner into service with all service and monetary benefits and pass orders in accordance with law.



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For Petitioner : Mr.H.Arumugam

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1
: Mr.P.Srinivas
Standing Counsel for R2
: no appearance for R3

ORDER

Heard the learned counsel on either side.

2. The petitioner is employed as Revenue Assistant in Srivilliputhur Municipality. He was suspended from service on 14.02.2023. Challenging the same, the present writ petition has been filed.

3. It appears that the petitioner is having grievance against the third respondent. According to the petitioner, the third respondent demanded illegal gratification. In this regard, the petitioner had given a complaint before the legal services authority. The legal services authority had summoned the second respondent herein. It appears that the second respondent was made to wait unnecessarily. I felt that the petitioner ought to show sufficient respect to his superior and I called upon the petitioner not only to withdraw the complaint but also to express his unconditional apology to the second respondent. The



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petitioner has since withdrawn his complaint given before the legal services authority and also apologized to the second respondent both in person as well as in writing.

4. In these circumstances, in my view, it is not necessary to continue the petitioner's suspension. The second respondent is directed to reinstate the petitioner in service forthwith and without any delay. The continued suspension of the petitioner is not going to serve any purpose. I make it clear that regularization of the period of suspension will abide by the outcome of the disciplinary proceedings. Merely because the petitioner has withdrawn the complaint given before the legal services authority, that does not mean that he is giving up the allegation of the third respondent. All the contentions and defences of the petitioner are left open.

5. With this direction to the second respondent to reinstate the petitioner forthwith, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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NOTE:Issue Order Copy on 05.06.2023.

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G.R.SWAMINATHAN, J.

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To

The Director of Municipal Administration
Office of Municipal Administration
Chennai.

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