



W.P.(MD)No.8062 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.8062 of 2020
and
W.M.P.(MD)Nos.7478 and 7480 of 2020**

L.Muthukaruppan

... Petitioner

Vs.

1. The District Collector,
Trichy District,
Trichy.
2. The Commissioner,
Panchayat Union Office,
Manapparai,
Trichy District.
3. The Personal Assistant to Collector,
(Nutrition Meal),
Trichy District,
Trichy.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent's impugned proceedings in Na.Ka.No.17/382/2017, dated 09.06.2020 and quash the same as devoid of merits, consequentially direct the first respondent to reinstate the petitioner into service and to grant all service benefits from 03.05.2012.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the impugned proceedings in Na.Ka.No.17/382/2017, dated 09.06.2020 passed by the first respondent, quash the same and consequentially, direct the first respondent to reinstate the petitioner into service and grant all service benefits from 03.05.2012.



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2. The case of the petitioner is that the petitioner was appointed as Noon Meal Organizer at Puthanatham Elementary School in the year 1983. Subsequently, in the year 1986, the respondents terminated him from service for involvement in a criminal case due to property dispute. In the trial, he was not found guilty and benefit of doubt was given to him along with other accused persons. Thereafter, he made a representation to the Government for his reinstatement. The Government has also considered his request and directed the respondents to appoint him afresh in the post of Noon Meal Organizer, vide G.O.(Ms)No.140, Social Welfare and Nutrition Meals Scheme Department, dated 09.09.2009. Thereby, the first respondent appointed the petitioner in Meiyampatti Elementary School, vide proceedings, dated 29.09.2009 and his appointment is permanent one and has been appointed in the vacant place. He has been paid time scale of pay with all service benefits and he received salary for a sum of Rs.5,108/-. All of a sudden, the second respondent has passed a suspension order, vide proceedings, dated 03.05.2012 on the ground that while he was working as



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a Noon Meal Organizer, he has worked for two days under the Mahatma Gandhi National Rural Employment Guarantee Scheme and got remuneration. Before issuing suspension order, no show cause notice was issued to the petitioner and no explanation was called for. In this regard, the petitioner made a representation to the respondents for reinstatement. However, the said representation was rejected and the first respondent confirmed the suspension order, vide impugned order, dated 09.06.2020. Challenging the same, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that during the pendency of the Writ Petition, the second respondent has filed the counter affidavit stating that the first respondent, vide proceedings, dated 02.02.2021, revoked the suspension of the petitioner and posted in Marungapuri Panchayat Union Middle School, Paluvanji. Hence, this Court may issue a direction to the respondents to pay the benefits to the petitioner during the suspension period within a stipulated time.



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4. The learned Special Government Pleader appearing for the respondents would submit that though the petitioner filed the Writ Petition challenging the suspension order and other benefits, however, during the pendency of the Writ Petition, the petitioner was reinstated into service on 02.02.2021. Subsequently, enquiry was conducted and based on the enquiry report, the second respondent has passed an order of termination against the petitioner on 29.06.2021. Hence, this Court may grant liberty to the petitioner to work out the remedy in the manner known to law

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. The facts in the present case are not in dispute. Admittedly, the petitioner has filed the Writ Petition challenging the confirmation of the impugned suspension order and other monetary benefits, but during the pendency of the Writ Petition, the first respondent has revoked the suspension order and reinstated him into service on 02.02.2021 and



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subsequently, conducted an enquiry and terminated the service of the petitioner on 29.06.2021. Hence, no further orders is required to be passed in the Writ Petition.

7. Accordingly, this Writ Petition is dismissed, with liberty to the petitioner to challenge the termination order, dated 29.06.2021 in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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