



W.P.(MD).No.25866 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25866 of 2022

K.Muthupandi,
(Under Suspension)
Panchayat Secretary,
Pillur Village Panchayat,
Sivagangai Panchayat Union,
Sivagangai District.

... Petitioner

Vs.

1. The District Collector,
Sivagangai,
Sivagangai District.

3. The Personal Assistant (Development)
to the District Collector,
Sivagangai,
Sivagangai District.

3. The Block Development Officer (Village Panchayat)
Sivagangai Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to revoke the order of suspension issued by the second respondent in his proceedings in Na.Ka.Q1/13983/2017, dated 20.07.2017 in the light of order



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of Revocation of Suspension issued in favour of the Co-delinquent by the second respondent in his proceedings in Na.Ka.Q1/13983/2017, dated 22.06.2021 and by considering the petitioner's representations dated 07.08.2021 and 31.10.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R1 and R2

: Mr.S.Kameswaran – for R3

ORDER

The present writ petition has been filed by the Secretary of Pillur Village Panchayat, Sivangangai Panchayat Union, Sivagangai District seeking to quash the order of suspension imposed upon him on 20.07.2017.

2. According to the learned counsel appearing for the writ petitioner, an FIR was lodged as against five Panchayat Secretaries in Crime No.553 of 2017 on the file of the Sivagangai Town Police Station, on 15.07.2017. Later, at the time of the filing of charge sheet, the name of the writ petitioner was



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also incorporated. Based upon the said charge sheet, the petitioner was placed under Suspension and the suspension order is continuing for the past six years.

3. The learned counsel appearing for the petitioner further submits that as far as the other co-delinquents, who are co-accused and in the same crime number, suspension order has been revoked by the first respondent herein.

4. The petitioner has given a representation to the first respondent on 31.10.2022 seeking to revoke the order of suspension.

5. Per contra, the learned Special Government Pleader appearing for the respondents 1 and 2 pointed out that the present petitioner had already filed W.P(MD) No.13552 of 2021 seeking the same prayer and it was dismissed on 02.09.2021, citing the judgment of the Hon'ble Division Bench of this Court, ***dated 02.09.2020, in W.A.No.599 of 2020 (Tamil Nadu Generation and Distribution Corporation Limited and others Vs. A.Srinivasan)***. Hence, according to him, again a prayer to revoke the order of suspension would not arise.



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6. I have carefully considered the submissions made by the learned counsel on either side and perused the material on records.

7. Admittedly, the petitioner is under suspension from 20.07.2017 onwards. The other co-delinquents who were co-accused in the same crime number have already been reinstated after revocation of suspension by the first respondent herein.

8. In the said circumstances, the petitioner has given a representation to the first respondent on 31.10.2022 to revoke his suspension order and the same is pending before the first respondent for the past one year.

9. In view of the above said facts, the first respondent herein is directed to consider the said representation of the writ petitioner and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



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10. With the above said observations, this Writ Petitions stands disposed of. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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3. The Personal Assistant (Development)
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