



W.P.(MD).No.511 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.511 of 2024

and

W.M.P.(MD)Nos.535 and 536 of 2024

Mathiyalagan

... Petitioner

Vs.

The Executive Officer,
Punjai Thotta Kurichi Town Panchayat,
Karur District.

... Respondent

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 pertaining to the order of the respondent by his proceedings in Na.Ka.No.104/2023 dated 01.08.2023 and quash the same as illegal, consequently to direct the respondent to re-instate the petitioner into service by considering his representation dated 05.12.2023.



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For Petitioner : Mr.T.Leninkumar

For Respondent : Mr.A.Baskaran
Additional Government Pleader

ORDER

The present writ petition has been filed to quash the order of the respondent vide his proceedings in Na.Ka.No.104/2023 dated 01.08.2023, consequently directing the respondent to re-instate the petitioner into service by considering his representation dated 05.12.2023.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as a street light operator in the respondent panchayat. He was further posted as a sweeper, vide proceedings dated 17.09.2020 in Punjai Thottakurichi Town Panchayat. Vide proceedings dated 25.07.2023, the respondent issued a charge memo containing 5 charges. The petitioner gave his explanation to the respondent on 27.07.2023. On receipt of his explanation, the respondent vide proceedings dated 01.08.2023, placed the



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petitioner under suspension. Even after four months from the date of suspension, there was no progress in the departmental proceedings. Hence, the petitioner made a representation on 05.12.2023 to the respondent requesting him to revoke the order of suspension. However, the respondent did not come forward to act upon the same. Therefore, challenging the order of suspension dated 01.08.2023, the present writ petition came to be filed seeking to reinstate him into service considering his representation dated 05.12.2023.

3. Heard, the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent. Perused the materials available on record.

4. When the matter was came up for hearing, the learned Additional Government Pleader submitted that an enquiry officer has already been appointed for conducting an enquiry and the petitioner also appeared before him. Submitting that, the disciplinary proceedings may be permitted to proceed further, he pressed for dismissal the writ petition.



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5. However, the learned Counsel appearing for the petitioner vehemently submitted that the petitioner was called upon for an enquiry. However, he was neither allowed to cross examine the witnesses nor allowed to produce the documents. Hence, this is a clear case of violation of principles of natural justice. Having not given an opportunity to produce his witnesses and cross examine the official witnesses, the disciplinary proceedings need to be interfered. In view of the same, he pressed for allowing the writ petition.

6. This Court is of the considered view that the petitioner who is a basic service employee in the Town Panchayat in the post of sweeper, has been kept under suspension since 01.08.2023, that is for a prolonged period of more than six months. However, considering the facts and circumstances of the case, that the disciplinary proceedings has already been initiated, the respondent is directed to initiate a afresh enquiry by appointing another enquiry officer. Thereafter, the respondent is directed to complete the enquiry and disciplinary proceedings within a period of two (2) weeks from the date of receipt of a copy of this order.



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7. However, there shall be a specific direction to the respondent and the enquiry officer to furnish all relevant documents to the petitioner and provide him an affordable opportunity of cross examine the witnesses and also produce his own witnesses. Only after giving an opportunity to the petitioner, the final order should be passed.

8. Accordingly, this Writ Petition stands allowed. No costs.
Consequently, connected miscellaneous petitions are closed.

12.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

The Executive Officer,
Punjai Thotta Kurichi Town Panchayat,
Karur District.



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L.VICTORIA GOWRI, J.

Sml

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