



W.P.(MD).No.12902 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.12902 of 2023

and

W.M.P.(MD).Nos.10925 & 10926 of 2023

P.Pandi

... Petitioner

VS

1. The Block Development Officer (Madurai East),
Allanganallur Panchayath Union,
Union Office Road,
Allanganallur,
Madurai-625 501,
Madurai District.

2. The President/Administrative Officer,
Thanichiyam Panchayat,
Allanganallur Panchayat Union,
Vadipatti Circle,
Madurai-625 221,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order of temporary suspension passed by the 2nd respondent dated 03.07.2020 in Na.Ka.No. /2020 and quash the same and consequently direct the respondents to reinstate the petitioner with full attendant benefits.



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For Petitioner	: Mr.S.Karthikeyan
For Respondents	: Mr.S.Shaji Bino Special Government Pleader

ORDER

The instant writ petition has been filed by an Over Head Tank Operator working in the 2nd respondent Panchayat, challenging his order of suspension dated 03.07.2020.

2. A perusal of the suspension order reveals that the said order has been passed by the President/Administrative Officer, Thanichiyam Panchayat, on the allegation that the petitioner has not properly opened the over head tank and cause inconvenience to the general public.

3. According to the learned counsel appearing for the writ petitioner, the Panchayat Secretary had already removed the motor of the said over head tank in the year 2018 itself, and therefore he has lodged a complaint to the Assistant Director of Town Panchayats on 19.11.2018. The Assistant Director of Town Panchayats in turn communicated the same to the Block Development Officer (Madurai East) of Alangannalur Panchayat Union. The



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motor has already been removed by the Panchayat Secretary in the year 2018 itself. Therefore, the petitioner cannot be blamed for not working as a Over Head Tank operator. Though, time was granted for filing counter on earlier occasion, the counter has not been filed by the Panchayat President. Considering the fact that the petitioner is under suspension for the past four years and the proceedings of Assistant Director of Town Panchayats dated 27.11.2018, this court is of the considered opinion that the order of suspension dated 03.07.2020 has to be revoked.

4. In view of the above said deliberations, the impugned order of suspension dated 03.07.2020 is hereby set aside. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

24.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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