



WEB COPY

WP No. 4144 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2025

**CORAM
THE HON'BLE MS. JUSTICE P.T. ASHA**

WP No. 4144 of 2023

M.Vadivel

..Petitioner(s)

Vs.

1. The District Collector Villupuram District.
2. The Block Development Officer, Panchayat Union, Gingee, Villupuram District.
3. The President Thandavasamuthiram Panchayat, Villupuram District.

..Respondent(s)

Prayer: The writ petition is filed under Section 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, calling for the records in respect of impugned order Na.Ka. No. PD 3/ 9159/ 2012, dated 03.11.2022 passed by 1st respondent quash the same consequently to direct the respondents to reinstate the petitioner with continuity of Service and Back wages and all other monetary benefits, within time stipulated by this Honourable Court.

For Petitioner(s): Mr.A.Vijayasankar

For Respondent(s): Mrs.S.Anitha, Spl.Govt.Pleader for R.1 to R.3



ORDER

The Writ Petition has been filed for the following reliefs:-

“calling for the records in respect of impugned order Na.Ka. No. PD 3/ 9159/ 2012, dated 03.11.2022 passed by 1st respondent quash the same consequently to direct the respondents to reinstate the petitioner with continuity of Service and Back wages and all other monetary benefits, within time stipulated by this Honourable Court.”

Brief Facts:-

2. The petitioner would submit that he was appointed as a part time Panchayat Assistant (Writer) vide resolution of the 3rd respondent dated 10.04.1997. He had worked till 25.04.1999 as the 3rd respondent had passed an order of dismissal on 09.08.1999 dismissing the petitioner from service with effect from 26.04.1999 on the ground that the he had failed to deposit House Tax in bank relating to receipt No.003201 to 00327 and a criminal case under Section 324 IPC in Crime No.112/1999 has been lodged against him. According to the petitioner, the dismissal order has been passed with a malafide intention only to accommodate the son of the then Panchayat President in the place of the petitioner as a Panchayat Assistant. Aggrieved by the said dismissal, the petitioner had made an appeal on 30.08.1999 before the 1st respondent. As the said appeal was not disposed of within a reasonable time, the petitioner had filed WP.No.16720 of 2000. In the meantime, the then President of Panchayat,



Mrs.M.Amutha had appointed her son in the place of the petitioner as Panchayat Assistant.

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3. On 28.09.2000, the Writ Petition filed by the petitioner was disposed of directing the 1st respondent to dispose of the petitioner's appeal within a period of 4 months. Pursuant to the direction issued by this Court, on 27.02.2001, the 1st respondent had disposed of the appeal stating that the petitioner would be kept under suspension till the disposal of the criminal case and the order of suspension was only an interim order and final order would be passed after the outcome of the criminal case.

4. By the judgment of the Judicial Magistrate, Tirukoilur, Villupuram District in CC.No.290/2000 dated 01.07.2002, the petitioner was acquitted in the criminal case pertaining to Crime No.112/1999. Pursuant to the acquittal in the criminal case, the petitioner had made representations dated 11.04.2003, 16.06.2003 and 20.08.2003 to the respondents seeking reinstatement. Thereafter, the 2nd respondent orally informed the petitioner that a criminal case in Crime No. 237 of 2003 had been lodged against him and was pending and that he would be reinstated only upon his acquittal in the said case. The petitioner requested that this information be communicated through a written order, however, his request was not acceded to.



5. The criminal case in Crime No. 237 of 2003 was tried by the Chief Judicial Magistrate-cum-Assistant Sessions Judge, Villupuram, and by judgment dated 19.09.2006, the petitioner was convicted. Against this conviction, the petitioner had preferred an appeal before this Court in CrI.A.No.870/2006. This Court by order dated 05.04.2011 acquitted the petitioner.

6. After getting acquittal from this Court, the petitioner had made representations dated 18.07.2011 and 22.08.2011 to the respondents seeking reinstatement. However, the same were not considered constraining the petitioner to file WP.No.25612 of 2011. This Court by order dated 08.11.2011 directed the respondents to dispose of the petitioner's representation within a period of 8 weeks. Thereafter, on 28.09.2012, the 1st respondent had passed an order stating that there was no vacancy in the 3rd respondent office. Challenging the said order, the petitioner had filed WP.No.28534 of 2012. This Court by order dated 11.04.2022, disposed of the Writ Petition by observing as follows:-

“I agree that the above aspect has not been dealt with by the appellate authority. In view of the same, I am of the view that the appellate authority shall hear the matter afresh. Liberty is granted to the petitioner to raise all grounds that may be available to him. The appellate authority would consider the same in particular the plea that the order is made in violation of



principles of natural justice and pass orders after giving reasonable opportunity to the petitioner. The above exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.”

7. On 03.11.2022, the 1st respondent, without affording sufficient opportunity to the petitioner to put forth his case, passed the impugned order stating that the petitioner had already been dismissed from service by the 3rd respondent and that there was no possibility of reinstating him in service. Challenging the same, the petitioner is before this Court.

8. A counter affidavit has been filed by the 1st respondent inter alia denying the contention made by the petitioner. The 1st respondent would contend that the impugned order has been passed in accordance with the rules and there is no violation of principle of natural justice and therefore prayed for the dismissal of the Writ Petition.

9. Heard the learned counsel on either side and perused the records.

10. A perusal of the impugned order passed by the 1st respondent would clearly indicate that sufficient opportunity has not been given to the petitioner to put forth his case. That apart, the 1st respondent had failed to comply with the



order passed in WP.No.28534 of 2012 in its letter and spirit. Further, the order of removal from service has been passed on the basis of a criminal case which has ultimately resulted in the petitioner's acquittal.

11. In view of the above, the Writ Petition is allowed. The impugned order passed by the 1st respondent dated 03.11.2022 is set aside and the matter is remitted back to the 1st respondent for fresh consideration. The 1st respondent is directed to pass a speaking order on merits and in accordance with law after affording a personal hearing to the petitioner, within a period of two months from the date of receipt of a copy of this order. No costs.

12-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHR

To

1. The District Collector
Villupuram District.
2. The Block Development Officer,
Panchayat Union, Gingee,
Villupuram District.
3. The President Thandavasamuthiram Panchayat,
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P.T.ASHA, J.

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