

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26241 of 2015
and
M.P.Nos.1 & 2 of 2015

G.Muthu

... Petitioner

- Vs -

1. The State of Tamil Nadu,
Rep. Secretary to Government,
Department of Rural Development and
Panchayat Raj,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Dharmapuri District,
Dharmapuri.
3. Personal Assistant to Collector (Dev.) i/c
Dharmapuri District,
Dharmapuri.
4. The Block Development Officer,
(Village Panchayats)
Pappireddipatty Panchayat Union,
Dharmapuri District.
5. The Executive Officer/President,
Molaiyanur Village Panchayat,
Molaiyanur Post, Pappireddipatty Taluk,
Dharmapuri District.

... Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st respondent in G.O.(D) No.319, dated 10.06.2015 with regard to the direction to take action against the petitioner is concerned and the

consequential order of suspension dated 17.06.2015 made in ROC No.10309/2015/M1 passed by the third respondent to quash the same, consequently direct the respondents to reinstate the petitioner in service with all monetary benefits forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents 1 to 3 : Mr.R.Vijayakumar
Additional Government Pleader

For Respondents 4 & 5 : Mr.Era Premnath

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner was appointed as the Secretary of Molaiyanur Village Panchayat on 05.02.2011 and according to him, he was discharging his duties properly and efficiently to the satisfaction of the senior officers and he has also maintained all the records as instructed by the authorities. The petitioner would state that there was a dispute between the ward members of the panchayat and the president of the panchayat. Some of the ward members made a representation to the second respondent pointing out certain irregularities committed by the then panchayat president viz., Mr.Krishnamurthy. Based on which, the second respondent initiated proceedings under Section 205(1) of the Tamil Nadu Panchayats Act, 1994 for removal of the Panchayat president and vide order dated 24.11.2014, he was removed. Mr.Krishnamurthy, aggrieved by the same, filed a revision to the Government. The first respondent vide G.O. (D) No.319, Rural Development and Panchayat Raj (PR-4) Department, dated 10.06.2015 dismissed the revision filed by Mr.Krishnamurthy and also made an observation in paragraph 10 of the order directing the District Collector to pursue appropriate action immediately against the Village Panchayat Secretary who is also responsible for non-maintenance of records and non-production of records during the inspection of Assistant Director (Panchayats) and Assistant Director (Audit). The petitioner challenging the legality of the said Government Order has come forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner as early as on 31.10.2014, has lodged a complaint to the Inspector of Police, Pappireddipatti Police Station stating that the former Panchayat President has unauthorisedly taken the

records relating to the Council meeting, Resolution register as well as the attendance register and C.S.R. receipt was also given to him and therefore he cannot be blamed for the non-availability of the records.

4. It is further submitted by the learned counsel for the petitioner that the third respondent without properly considering the materials has wrongly placed the petitioner under suspension. The learned counsel therefore prays for interference and also draws the attention of this Court to the representation dated 17.08.2015, in and by which, he prays for revocation of the order of suspension.

5. The Court heard the submissions of Mr.R.Vijayakumar learned Additional Government Pleader who accepts notice for respondents 1 to 3 and Mr.Era Premnath, learned counsel who accepts notice for respondents 4 and 5.

6. Though the petitioner prays for a larger relief, this Court, in the facts and circumstances, directs the third respondent to consider and dispose of the petitioner's representation dated 17.08.2015, in accordance with law after providing him, an opportunity of personal hearing and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

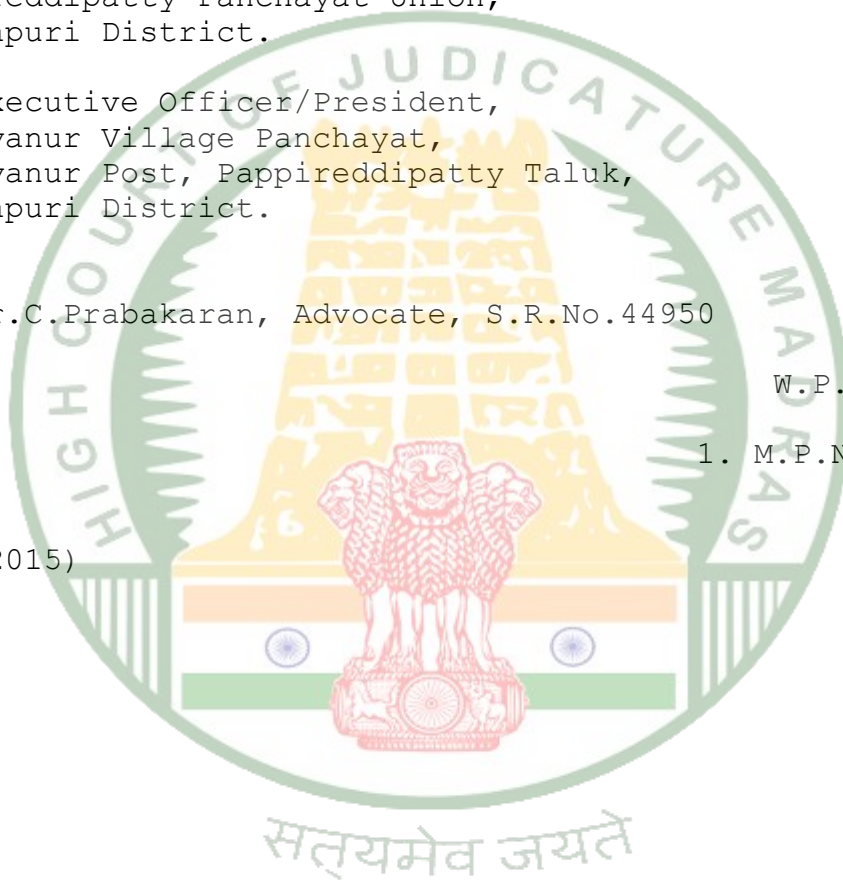
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+1cc to Mr.C.Prabakaran, Advocate, S.R.No.44950

W.P.No.26241 of 2015
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MSM(CO)
CA(11/09/2015)



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