

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP.No.7170/2015
MP.No.1 and 2/2015

K.M.Tamil Selvan

Petitioner

Vs

1.The Personnel Assistant (Development)
to the Collector, Thiruppur

2.Madhapur Village Panchayat by the President
Pongalur, Panchayat Union, Thiruppur

Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, praying this court to call for the records on the file of the 1st Respondent in connection with the suspension orders passed by him in ROC.No.6445/2014/V6 dated 26.2.2015 and quash the same.

For Petitioner : Mr.R.Singaravelan
for Ms.M.Srividhya

For Respondent : Mr.M.S.Ramesh, AGP

ORDER

This Writ Petition is filed to issue a Writ of Certiorari to call for the records of the 1st Respondent in connection with the suspension order passed by him in Roc.No.6445/2014/v6, dated 26.02.2015 and quash the same.

2. The case of the Petitioner is that he was selected for appointment to the post of part time Clerk through the employment exchange and he joined the service on 23.1.1985 and he was absorbed as Panchayat Secretary on the basis of GO.Ms.No.175, dated 5.12.2006. While so, by the impugned order, the 1st Respondent passed the impugned order of suspension on the ground that the Petitioner was working as Grami Dak Sevak Branch Post Master with Delivery Power in Devanampalayam Branch Office, Pongalure since 15.9.1979 simultaneously. The 1st Respondent is not the competent authority to pass the impugned order, on which ground alone, the impugned order is liable to be quashed. Further, the impugned order was passed without any prior notice to the Petitioner. Hence, this Writ Petition has been filed.

3. The 1st Respondent has filed a counter, contending that as per GO.Ms.No.72 dated 09.07.2013, the 1st Respondent is the Competent Authority to place the Petitioner under suspension and the act of the Petitioner working in two posts simultaneously is a gross violation of Rules, for which only, the Petitioner was placed under suspension and the impugned order of suspension was issued in accordance with the Rules and the other employees now working in the local bodies will take this as precedent and in such circumstances, the Respondents cannot administer the Village Panchayats properly as per the Rules and hence, this Writ Petition is liable to be dismissed.

3. This Court heard the learned counsel on either side and also perused the materials placed on record.

4. Admittedly, the Petitioner is placed under prolonged suspension. Though the prayer is for quashing the impugned order of suspension, the learned counsel for the Petitioner now seeks for a direction to the Respondents to consider the claim of the Petitioner to revoke the same, if there is no impediment. Considering the limited prayer now sought for by the learned counsel for the Petitioner, without expressing any opinion on the merits of the case on hand, the Respondents are directed to consider the claim of the Petitioner and pass appropriate orders, if there is no impediment and in the light of the Rule 17 of the Tamil Nadu Village Panchayat Secretaries (Condition of Service) Rules 2013, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MPs are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

Srcm

To:

- 1.The Personnel Assistant (Development) to the Collector, Thiruppur
- 2.Madhapur Village Panchayat by the President, Pongalur, Panchayat Union, Thiruppur.

1 cc to Ms.M.Srividhya, Advocate Sr.No.44830/15

WP.No.7170/2015

vgi (co)

pmk.9.9.2015