

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.29571 of 2013
& M.P.No.1 of 2013

K.Pandian

.. Petitioner

Vs.

1. District Collector
Ariyalur District
Ariyalur

2. Block Development Officer
Jayankondam Panchayat Union
Jayankondam,
Ariyalur District

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in his proceedings Na.Ka.No.801/2013/sa.vu.tha.1 dated 20.10.2013 and quash the same and direct the respondents to confer all the consequential benefits to the petitioner.

For Petitioner : Mr.C.Selvaraj,
senior counsel for
M/s.C.S.Associates

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

The order passed by the first respondent dated 20.10.2013, dismissing the petitioner from service is challenged primarily on the ground that even before the date of enquiry, the enquiry officer submitted a report to the first respondent and on the basis of the said report, he was dismissed from service.

2. When this Writ Petition came up on an earlier occasion, learned senior counsel for the petitioner contended that the enquiry

officer issued a notice to the petitioner on 3.8.2013 directing him to appear for enquiry on 8.8.2013. However, even before giving opportunity to the petitioner to appear for enquiry, the enquiry officer submitted a report on 5.8.2013 to the District Collector. The District Collector on the basis of the said enquiry report passed final orders. In view of the said submission, I have directed the learned Additional Government Pleader to produce the records.

3. The learned Additional Government Pleader produced the records and submitted that the petitioner appeared before the enquiry officer on 5.8.2013 suo motu and participated in the enquiry. However, he refused to sign the statement. According to the learned Additional Government Pleader, report was submitted to the District Collector pursuant to the enquiry and final order was passed.

4. When it was pointed out to the learned Additional Government Pleader that there is no document to substantiate the contention that the petitioner voluntarily appeared before the enquiry officer on 5.8.2013 and participated in the enquiry, the learned Additional Government Pleader fairly submitted that he would advise the District Collector to withdraw the impugned order with liberty to conduct a fresh enquiry.

5. When the Writ Petition is taken up for consideration today, the learned Additional Government Pleader by producing the order dated 31.01.2015 issued by the District Collector submitted that enquiry would be conducted in the matter afresh.

6. In view of the proceedings dated 31.01.2015, the impugned order is set aside and the matter is remitted to the first respondent for fresh consideration. The first respondent is permitted to conduct enquiry by appointing enquiry officer. It is open to the enquiry officer to fix a date for hearing and issue advance notice to the petitioner. It is needless to mention that the petitioner should cooperate for an early disposal of the enquiry proceedings.

7. The petitioner was placed under suspension earlier and the said position continued till the impugned order was passed by the District Collector. Now that the impugned order is set aside and a fresh enquiry is directed to be conducted, status quo ante should be restored by the District Collector, meaning thereby the petitioner would be placed under suspension till the disposal of disciplinary proceedings.

8. The Writ Petition is allowed to the extent indicated above.
No costs. The connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ajr

To

1. The District Collector
Ariyalur District
Ariyalur
- 2.The Block Development Officer
Jayankondam Panchayat Union
Jayankondam,
Ariyalur District

2 ccs to Government Pleader, Sr. 6360 & 5564
1 cc to M/s. C.S. Associates, Sr. 5743

W.P.No.29571 of 2013

MP (CO)
kk 19/2

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