

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15409 of 2016

A.Elavarasu

... Petitioner

.Vs.

1. The District Collector,
Salem District,
Salem.
2. The Assistant Director (Panchayat),
Department of Rural Development,
Office of the District Collectorate,
Salem.
3. The Project Director,
District Rural Development Agencies,
Salem.
4. Tmt.Anandhi,
(Formerly Over Seer Attur Panchayat Union)
Supervisor ,
Salem Panchayat Union,
Salem.
5. Mr.Pradeep Kumar,
(Formerly Assistant Engineer Attur Panchayat Union),
Assistant Engineer,
Ayothiapattinam Panchayat Union,
Salem District.
6. T.S.Viswanathan,
(Formerly Assistant Engineer Attur Panchayat Union),
Assistant Engineer,
Thalaivasal Panchayat Union,
Salem District.
7. Tmt.R.Anitha Thaiyalnayagi,
(Formerly Overseer Attur Panchayat Union)
Overseer Manikandam Union Trichy District.

8. V.Ravikumar
Overseer Attur Panchayat Union
Salem District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take action against the respondents 4 to 8 by placing them under suspension from service and proceed further in accordance with law by considering the representation dated 05.04.2016 and followed by reminder dated 9.04.2016.

For petitioner : Mr.T.Sellapandian

For Respondents : Mr.S.Gunasekaran,
Additional Government Pleader
for R1 to R3

ORDER

Mr.A.Elavarasu, claiming to be a permanent resident of Ammanpalayam Village and also a tax payer submitted that the respondents 4 to 8, by misusing their position, have misappropriated the funds, while implementing Indira Awaas Yojana, a housing scheme meant for the downtrodden and poor families. Hence, he has come to this Court seeking for a direction, directing the respondents 1 to 3 to take action against the respondents 4 to 8, by placing them under suspension from service and proceed further in accordance with law, by considering the representation dated 05.04.2016 and followed by a reminder dated 09.04.2016.

2.Learned counsel appearing for the petitioner submitted that since FIR has already been filed by the Inspector of Police, Vigilance and Anti corruption Department, Sornapuri, Salem District, against the respondents 4 to 8, for various offences mentioned therein, the respondents 1 to 3 are duty bound to take necessary action to place the respondents 4 to 8 under suspension in the public interest.

3.It may be mentioned herein that the petitioner has already taken a ground in Para 4(b) of the affidavit stating that for the alleged irregularities, while implementing Indira Awaas Yojana, a housing Scheme meant for poor families finding that there was financial irregularities, the respondents 1 to 3 have already initiated departmental proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, against the respondents 4 to 8 and others. He further submitted

that an FIR has also been registered by the Inspector of Police, Vigilance and Anti corruption Department, Sornapuri, Salem District against the respondents 4 to 8 and others in Crime No.10/AC/2015, dated 22.12.2015 for the offences punishable under Sections 120(b), 167, 465, 467, 468, 471, 474, 477-A, 409 and 420 IPC and 13(2) read with 13(1)(c) and 13(1)(d) of PC Act, 1988. Therefore, when the respondents 4 to 8 against whom allegations are pending, have been subjected to the departmental proceedings under Rule 17(b) of the Rules, and the criminal case is also pending, it should be left open to the respondents 1 to 3 to take further action on completion of enquiry. Therefore, the request of the petitioner to issue directions to consider the representation has to be dismissed, as devoid of merits. Hence, the Writ Petition fails.

Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mps

To

1. The District Collector,
Salem District,
Salem.
2. The Assistant Director (Panchayat),
Department of Rural Development,
Office of the District Collectorate,
Salem.
3. The Project Director,
District Rural Development Agencies,
Salem.

+1cc to Mr.T.Sellapandian, Advocate, S.R.No.26914
+1cc to the Government Pleader, S.R.No.26335

W.P.No.15409 of 2016

RSY(CO)
CA(11/05/2016)