

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.10.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.26410 of 2017 and
WMP.No.28076/2017

D.Rogue Sagayaraj

...Petitioner

Versus

1. The District Collector,
Kancheepuram District Collectorate Campus,
Kancheepuram.
2. The Additional Director of Panchayats/Audits,
Maduranthagam/Kancheepuram.
3. The Block Development Officer
(Village Panchayats),
Madurantakam Panchayat Union at
Madurantakam,
Madurantakam Taluk.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Proceedings in Na.Ka.No.2797/2013/PAA2 dated 06.11.2015, quash the same, direct the 1st respondent to reinstate the petitioner in service according to the seniority.

For Petitioner : Mr.K.Alayappan

For Respondents : Mr.R.A.S.Senthilvel, AGP.,

ORDER

Challenging the proceedings of the 1st respondent in Na.Ka.No.2797/2013/PAA2 dated 06.11.2015 and to quash the same on the ground that the 1st respondent cannot keep the petitioner under prolonged suspension, the present Writ Petition has been filed.

2. According to the petitioner, he was initially worked as a Panchayat Secretary in Peruveli Panchayat in Madurantagam Panchayat Union, Kancheepuram District. Earlier, he was suspended from service on 21.11.2011 by the orders of the 3rd respondent. Against the same, he filed W.P.Nos.30353 and 30354/2011 before this Court and as per the orders of this Court, he was reinstated and transferred to Pazhamathur

Panchayat vide order dated 14.02.2013. Thereafter, he was arrested by the District Crime Branch Police, Kancheepuram, on the basis of the complaint given by the 3rd respondent on 30.04.2013 on the complaint that the petitioner took money from the Panchayat Account in his name through cheque and disbursed the same to the contractors and the petitioner was granted bail by this Court. The petitioner once again suspended by the Panchayat President, Pazhamathur Panchayat on 16.05.2013. Aggrieved by the suspension order, the petitioner filed W.P.No.27209/2015 before this Court in which this Court directed the 1st respondent to dispose of the petitioner's representation dated 18.08.2015. Thereafter, the 1st respondent passed an order dated 06.11.2015 extending the suspension orders sine die. Hence, the present Writ Petition.

3. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. A perusal of the Suspension Order shows that the petitioner alleged to have misappropriated a huge sum of Rs.81,37,349/- belongs to the Onampakkam Panchayat Union by way of creating forged documents and drawing the cheques in his name. In this regard, a criminal case was lodged against him and a First Information Report was also registered for offences under Sections 120(b), 409, 420, 477(A) IPC on 01.10.2015 by Central Crime Branch, Kancheepuram. Subsequently, a charge sheet has also been filed on the file of the learned Judicial Magistrate No.II, Chengleput on 14.10.2015 which was taken on file as C.C.No.280/2015. When things stood thus, this Court is not inclined to entertain the writ petition questioning the suspension order of the petitioner.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram District Collectorate Campus,
Kancheepuram.

2. The Additional Director of Panchayats/Audits,
<https://hcservices.ecourts.gov.in/hcservices/>
Maduranthagam/Kancheepuram.

3. The Block Development Officer

(Village Panchayats),
Madurantakam Panchayat Union at
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Madurantakam Taluk.

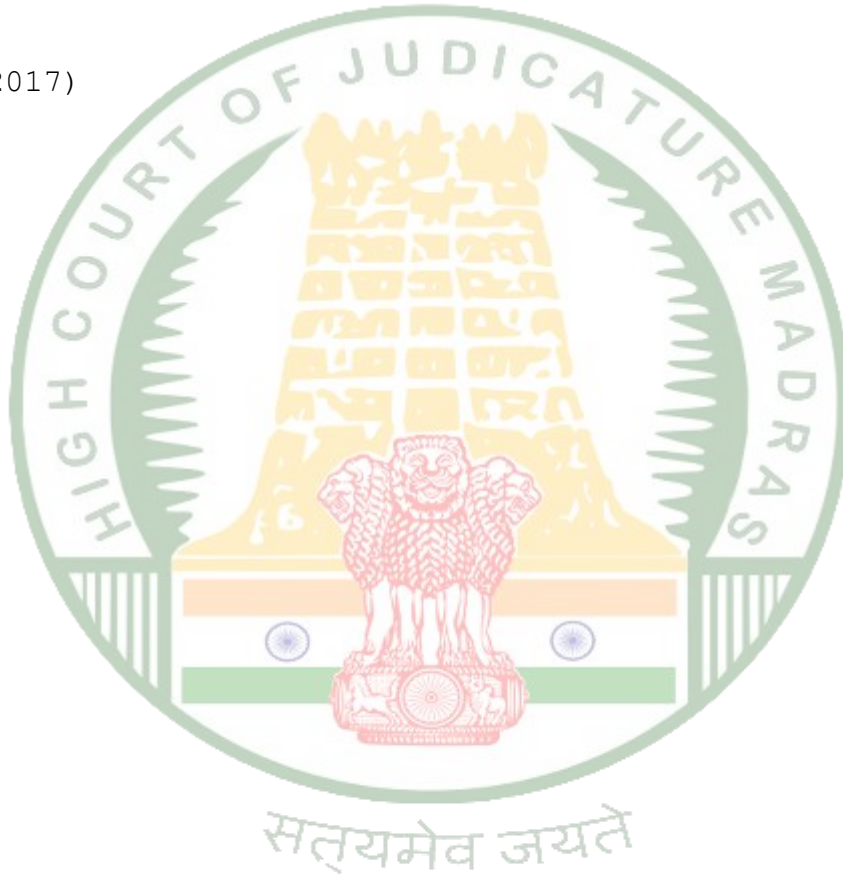
4. The Judicial Magistrate No.II,
Chengleput.

+1cc to the Government Pleader, S.R.No.72851

+1cc to Mr.K.Alayappan, Advocate SR.No.72507 (30/11/2017)

W.P.No.26410 of 2017

VGI (CO)
GN(10/11/2017)



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