

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2017

CORAM

THE HONOURABLE JUSTICE MR.S.VAIDYANATHAN

W.P.No.21688 of 2003
and
W.P.M.P.No.26908 of 2003

T.T.C.Cheran,
President,
Thiruvasi Village Panchayat,
Thiruvasi Post,
Thiruchirappalli District.
.. Petitioner

Vs

1. State of Tamil Nadu
Rep. by Secretary to Government,
Rural Development Department,
Fort St. George,
Chennai - 600 009.
2. Inspector of Panchayats cum The District Collector,
Thiruchirappalli,
Thiruchirappalli District. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records relating to the impugned proceedings of the second respondent in Na.Ka.A/2005/2003 dated 29.04.2003 signed by the second respondent on 30.04.2003 quash the same.

For Petitioner : Mr.V.Selvaraj
For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

The petitioner has come forward challenging the charge memo proceedings dated 29.04.2003 on the file of the second respondent and contended that Section 205 of the Tamil Nadu Panchayats Act, 1994 will not be applicable to the facts and hence, the proceedings initiated are illegal.

2. The second respondent filed a detailed counter stating that the petitioner has committed serious misconduct and that the petitioner has submitted his explanation and that this Court granted an interim order of stay, dated 14.11.2003, pursuant to which, no proceedings had been initiated.

3. Even assuming that wrong provision has been quoted, that will not absolve the petitioner from the charges and hence, the petitioner has to participate in the proceedings as he is said to have committed a serious misconduct while holding the post. Section 205 will not be applicable and other provisions attracted are all the matters to be decided in a full-fledged enquiry. The petitioner has the benefit of interim order, thereby, the entire proceedings had been stopped. Hence, the petitioner, without prejudice in the matter, is directed to co-operate with the respondents to proceed with the enquiry in accordance with law and the respondents shall also taken into consideration the contention of the petitioner about the non-applicability of Section 205 of the Tamil Nadu Panchayats Act, 1994. Enquiry has to be conducted on a day-to-day basis without adjourning the matter beyond three working days at any point of time. The petitioner's contention that the period in question has already expired, cannot be a ground to quash the proceedings as prayed for in this Writ Petition. Accordingly, the writ petition is dismissed. No costs. W.P.M.P. is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

msm

To

1. Secretary to Government,
State of Tamil Nadu
Rural Development Department,
Fort St. George,
Chennai - 600 009.

2. Inspector of Panchayats cum The District Collector,
Thiruchirappalli,
Thiruchirappalli District.

+1 CC to Govt. Pleader sr 55754.

W.P.No.21688 of 2003

SV(CO)
sp(24/08/2017)