

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5568 of 2016 and
W.M.P.No.4901 of 2016

M.Murugan

... Petitioner

Versus

1. The Personal Assistant to District Collector
Kancheepuram District.

2. The Block Development Officer,
(Village Panchayat)
Acharapakkam Panchayat Union,
Acharapakkam, Madurantakam Taluk,
Kancheepuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent Na.Ka.No.18589/2014/Pa.Aa2 dated 13.01.2016 and quash the same and consequently direct the respondents to give posting order to the petitioner as Clerk/Secretary in the Annangal Village Panchayat, Acharapakkam Panchayat Union, Madurantakm Taluk, Kancheepuram District with all other consequential monitory benefits.

For Petitioner : Mr.T.Sella Pandian for
M/s.A.Ramalingam

For Respondents : Mr.S.V.Doraisolaimani
Additional Government Pleader for R2
Mr.R.S.Selvam
Government Advocate for R1

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O R D E R

The relief sought for in this writ petition is for quashing the order of rejection for reviewing the suspension of writ petitioner in proceedings dated 13.01.2016.

2. The learned counsel Mr.T.Sellapandian, appearing on behalf of the writ petitioner, submitted that the writ petitioner was placed under suspension in proceedings dated

07.08.2014, on account of certain financial irregularities took place in the Panchayat Union.

3. The writ petitioner is continuing in suspension for the past about three years and he made a representation to the competent authority to review the order of suspension. The application seeking to review the order of suspension was also rejected in proceedings dated 13.01.2016 which is under challenge in this writ petition.

4. The learned counsel for the writ petitioner drawn the attention of this Court to the proceedings dated 05.08.2015 sent by the Block Development Officer, Acharapakkam Panchayat Union to the District Collector, Kancheepuram, in which there is a categorical finding that the writ petitioner M.Murugan is not responsible for the financial loss occurred nor he is responsible for any misappropriation. Accordingly, the Block Development Officer made a recommendation for revocation of the order of suspension.

5. However, the proceedings of the Block Development Officer, Acharapakkam to the District Collector, was not considered at the time of passing the order impugned in the proceedings dated 13.01.2016. On a perusal of the impugned order, there is no such reference nor any discussion with regard to the proceedings of the Block Development Officer. When the Block Development Officer has made a finding in this regard, the authorities competent have to consider the same and take an appropriate decision.

6. This Court is of the opinion that the materials on record are not considered at the time of considering the application submitted by the writ petitioner for reviewing the order of suspension. Accordingly, the order impugned issued by the first respondent in proceedings Na.Ka.No.18589/2014/P.A.2 dated 13.01.2016 is quashed and the matter is remitted back to the first respondent for reconsideration and passing fresh orders considering the materials available on record, within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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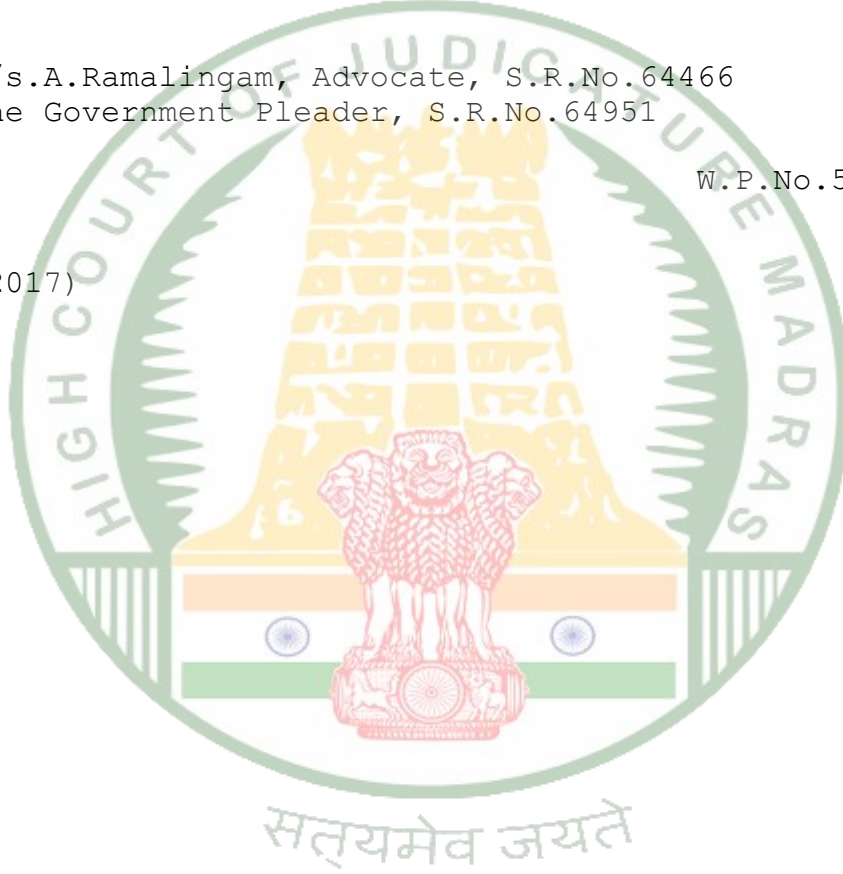
To

1. The Personal Assistant to District Collector
Kancheepuram District.
2. The Block Development Officer,
(Village Panchayat)
Acharapakkam Panchayat Union,
Acharapakkam, Madurantakam Taluk,
Kancheepuram District.

+1cc to M/s.A.Ramalingam, Advocate, S.R.No.64466
+1cc to the Government Pleader, S.R.No.64951

W.P.No.5568 of 2016

GMI (CO)
CA(05/10/2017)



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