



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

**W.P. (MD) .No.5712 of 2017 and
W.M.P. (MD) Nos.4565 & 4566 of 2017**

Tamilselvan

.. Petitioner

Vs.

1. The District Collector/The Head of Panchayat,
Collectorate Compound, Trichy.
2. The Personal Assistant to District Collector,
Collectorate Compound, Trichy.
3. The Block Development Officer/The Special Officer,
Manachanallur Panchayat Union,
Manachanallur, Trichy.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent, dated 06.09.2016 in Na.Ka.Thal/5857/2016 which was served to the petitioner in person by the third respondent in 12.09.2016 and quash the same as illegal and also direct the second respondent to reinstate the petitioner in service.

For Petitioner	: M/s.J.Madhu
For R-1 & R-2	: Mr.V.Pandi, Government Advocate.
For R-3	: Mr.R.Karthikeyan, Additional Government Pleader.

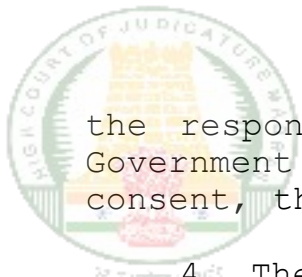
O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent, dated 06.09.2016 in Na.Ka.Thal/5857/2016 which was served to the petitioner in person by the third respondent in 12.09.2016 and quash the same as illegal and also direct the second respondent to reinstate the petitioner in service.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2 and the learned Additional Government Pleader appearing for the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Mr.V.Pandi, learned Government Advocate, takes notice for



the respondents 1 and 2 and Mr.R.Karthikeyan, learned Additional Government Pleader, takes notice for the third respondent. By consent, the Writ petition itself is taken up for final disposal.

4. The present Writ petition is filed challenging the Charge memo, dated 06.09.2016, served on the petitioner. The case of the petitioner is that while he was working as Panchayat Clerk, in Siruganur Panchayat, he was suspended from service due to the pendency of disciplinary proceedings. In the said Charge memo, there are four charges framed against the petitioner. The petitioner has also given explanation.

5. From the reading of the explanation of the petitioner, the petitioner has raised points challenging the Charge memo. This Court is not satisfied with the grounds raised by the petitioner against the Charge Memo. However, the learned counsel for the petitioner submitted that this Court can direct the respondents to complete the enquiry within a stipulated time and direct the respondents to pay the Subsistence Allowance to the petitioner as applicable having regard to the rules in the meanwhile.

6. Considering the nature of grievance expressed by the petitioner, without expressing any opinion on the merits of the petitioner's case, this court is inclined to pass the following order:-

" The second respondent is directed to complete the enquiry pursuant to the impugned Charge Memo in Na.Ka.Thal/5857/2016, dated 06.09.2016, on merits and in accordance with law and take a final decision within a period of ten weeks from the date of receipt of a copy of this order. In the meanwhile, the respondents are also directed to pay Subsistence Allowance as applicable as per the rules, to the petitioner. Regarding the earlier arrears if any, they shall be paid within two weeks from the date of receipt of a copy of this order and the respondents are also directed to continue the payment of Subsistence Allowance till the enquiry is over."

7. With the above directions, the Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar



To

1. The District Collector/The Head of Panchayat,
Collectorate Compound, Trichy.

2. The Personal Assistant to District Collector,
Collectorate Compound, Trichy.

3. The Block Development Officer/The Special Officer,
Manachanallur Panchayat Union,
Manachanallur, Trichy.

+1 CC to M/s.J.MADHU, Advocate, SR No. 50475/17.

+1 CC to M/s. THE SPECIAL GOVERNMENT PLEADER, SR No. 50957/17.

PMU

PSM/JC/17.04.2017/3P/6C

ORDER MADE IN
W.P. (MD) .No.5712 of 2017 and
W.M.P. (MD) Nos.4565 & 4566 of 2017
06.04.2017