



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.23989 of 2016
and
W.M.P. (MD) No.17308 of 2016

Prakash

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Personal Assistant to District Collector(Development),
Collectorate Office,
Ramanathapuram,
Ramanathapuram District.

3.The Block Development Officer,
Mudukulathur Panchayat Union,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.M.3/18584/2016 dated 02.12.2016 and quash the same is as illegal.

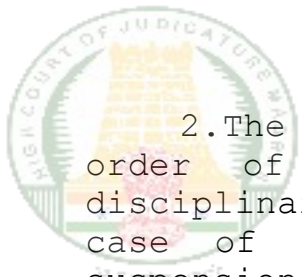
For Petitioner : Mr.A.K.Manickam

For R1 & R2 : Mr.N.S.Karthikeyan,
Additional Government Pleader

For R3 : Mr.M.Rajarajan

ORDER

This Writ Petition has been filed by the petitioner, for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the second respondent, in his proceedings, dated 02.12.2016.



2.The petitioner has filed this Writ Petition challenging the order of suspension dated 02.12.2016, in contemplation of disciplinary action to be initiated against the petitioner. The case of the petitioner on facts, challenging the order of suspension, are neither admitted nor supported by any materials. A show cause notice was issued to the petitioner on 28.11.2016, asking for some explanations. In the communication dated 28.11.2016, some allegations of misconduct were made against the petitioner, while he was working as Panchayat Secretary (Additional in-charge) in Keelakulam Panchayat.

3.It is the case of the petitioner, that he never worked in Keelakulam Panchayat. He also states that he was never appointed as Additional in-charge as Panchayat Secretary for Keelakulam Panchayat, at any point of time. This being a factual issue, the petitioner can convince the respondents by bringing it to their notice that the petitioner never involved in any misconduct, as stated in the show cause notice dated 28.11.2016, and it is purely a mistake of identity.

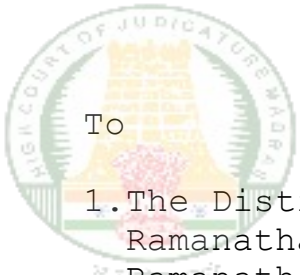
4.The petitioner has also raised another issue by stating that the impugned order of suspension was passed by the Personal Assistant to the District Collector. Since, this Court has already granted stay of the service rules by an order dated 03.09.2014, in W.M.P.(MD) No.2 of 2014 in W.P.(MD)No.9789 of 2014, it is stated that the Personal Assistant to the District Collector is not a competent Authority to pass the impugned order. The stay granted by this Court earlier, was never intended to prohibit / prevent the Personal Assistant to the District Collector to exercise his function as Disciplinary Authority.

5.Since, the allegation against the petitioner is relating to serious financial irregularities, the order of suspension pending or in contemplation of Disciplinary proceedings cannot be revoked, at this stage, so as to enable the petitioner to assume duty in the same place, where he was accused of serious charges. It is open to the petitioner to convince the respondents by making appropriate representation explaining that the petitioner had never involved in any irregularities, as stated in the show cause notice and that the subsequent order of suspension was purely due to mistake in-identity of person. If the respondents are convinced by the explanation of the petitioner that the petitioner is not actually involved in any irregularities, they shall pass appropriate order.

6. With the above observation, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

/True copy/



To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Personal Assistant to District Collector(Development),
Collectorate Office,
Ramanathapuram,
Ramanathapuram District.

3.The Block Development Officer,
Mudukulathur Panchayat Union,
Ramanathapuram District.

+1 cc to Mr.A.K.Manickam , Advocate in SR.No. 60167

+1 cc to Special Government Pleader in SR.No.60002

mm/km

AE/SV MMS/SAR3/20.06.2017/3P/6C

W.P. (MD) No.23989 of 2016
12.06.2017