

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1016 of 2016 and
CMP No.13443 of 2016

- 1.The Government of Tamilnadu
Rep. by the Secretary to the Government,
Rural Development Department,
Fort St.George, Chennai -9.
- 2.The Collector,
Tirunelveli, Tirunelveli District.

..... Appellants

-vs-

C.Sorimuthu Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.12407 of 2007 dated 26.07.2013.

W.P No.12407 of 2007

Writ Petition was originally filed as original Application in O.A.3343 Of 2002 before the Tamil Nadu Administrative Tribunal in Chennai. On the abolition of the said Tribunal, the O.A has been transferred to this court and renumbered as WP.12407 OF 2007.The Prayer in the Writ Petitions under Article 226 of the Constitution of India is to issue a Writ of Ceritorified Mandamus to call for the records relating to the impugned order of the 1st respondent in G.O.(D) No.65, Rural development (c6) dept. dated 07.02.2002 and quash the same and grant all consequential benefits to the petitioner.

For Appellant : Mr.M.Karthikeyan
Addl.Govt.Pleader

For Respondents: Mr.P.Rajendran

J U D G M E N T
[Judgment of the Court was delivered by
R.SUBRAMANIAN, J.]

The challenge in this intra court appeal is to the order made in W.P.No.12407 of 2007 dated 26.07.2013, in and by which, the learned single Judge allowed the writ petition filed by the respondent by setting aside the punishment imposed on him.

2. The respondent was charge sheeted for certain procedural violations in discharge of his duties and after departmental enquiry, he was imposed with the punishment of stoppage of increment for a period of nine months with cumulative effect and recovery of a sum of Rs.5,000/-. Challenging the same, the respondent approached the Tamil Nadu Administrative Tribunal by filing Original Application in O.A.No.3343 of 2002. On abolition of the Tribunal, the said Original Application was transferred to this Court and was re-numbered as W.P.No.12407 of 2007.

3. The contention of the respondent in the writ petition was that he was working only as an Extension Officer (Administration) and he had no direct connection with withdrawal of Panchayat funds. According to him, it was the duty of the Extension Officer (Panchayats) and not the Extension Officer (Administration). However, the disciplinary authority concluded that the respondent has connived with the Commissioner, Panchayat Union and Extension Officer (Panchayats) in the matter of withdrawal of funds by the Panchayat. Considering the nature of duties and responsibilities of the Extension Officer (Panchayats) and the Extension Officer (Administration), the learned single Judge was of the view that the respondent, who was working as Extension Officer (Administration) had no occasion to supervise withdrawal of funds by the Panchayat and hence, allowed the writ petition setting aside the punishment imposed on the respondent. Aggrieved by the said order, the appellants are before us.

4. Heard the learned Additional Government Pleader on behalf of the appellants and Mr.P.Rajendran, the learned counsel for the respondent.

5. Though the learned Additional Government Pleader would contend that there was certain negligence on the part of the respondent in discharging his official duties, which led to withdrawal of huge amounts by the Panchayat and spending the same without any approval, he is unable to produce any material to show that the respondent had direct access or control over the withdrawal of funds by the Panchayat.

6. In view of the above, we do not find any error or illegality in the order of the learned single Judge warranting our interference. Accordingly, the writ appeal is dismissed by confirming the order passed by the learned single Judge. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

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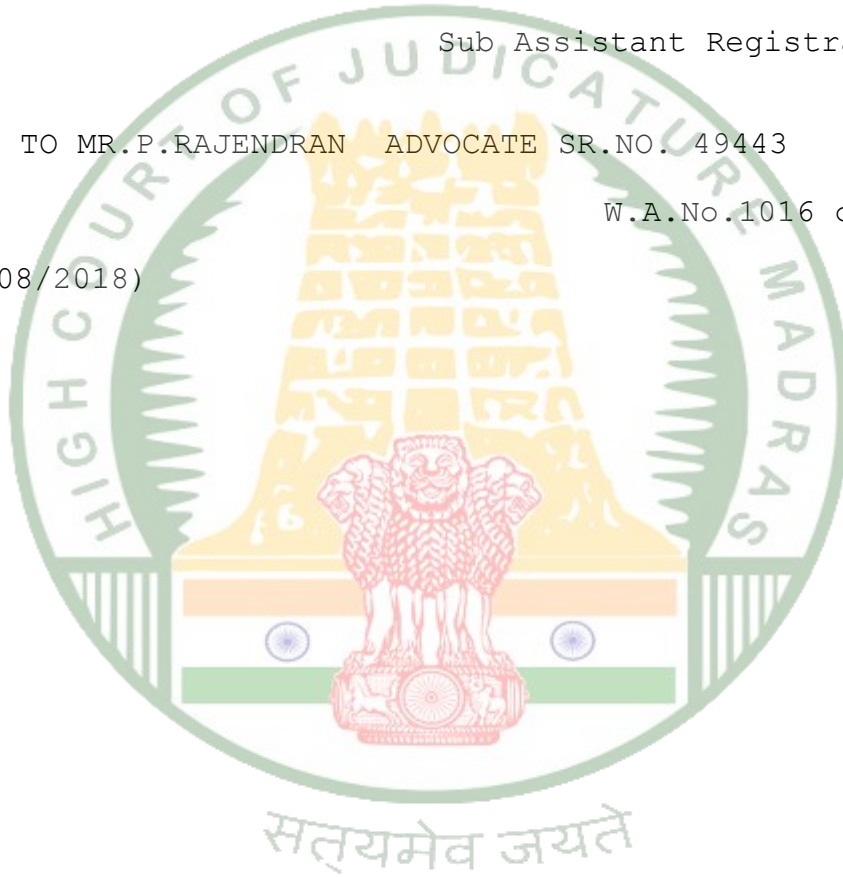
Sub Assistant Registrar

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W.A.No.1016 of 2016

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