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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.3488 of 2014

and

M.P.(MD).No.2 & 3 of 2014

M.Radhakrishnan

... Petitioner

Vs.

1.The District Collector cum  
Inspector of Panchayats,  
Office of the District Collector,  
Theni, Theni District.

2.The Block Development Officer,  
Andipatti Village Panchayat,  
Theni.

3.The President,  
Anuppapatti Village Panchayat,  
Bodidasanapatti Post,  
Andipatti Taluk,  
Theni District.

4.S.Suresh

5.T.Subbalakshmi

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records from the third respondent herein pertaining to the order of termination of the petitioner in proceedings No.2 dated 30.05.2013 and quash the same and consequently direct the respondents to reinstate the petitioner into service in the post of Panchayat Secretary, Anuppapatti Village, with all attendant benefits and regularize the services of the petitioner.

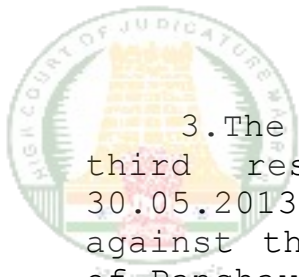
For Petitioner : Mr.G.Jeganathan

For Respondents : Mr.J.Gunaseelan Muthiah for R1  
Additional Government Pleader  
: Mr.R.Velmurugan for R2,R3 and R5  
: M/S.R.Anbarasu for R4

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition is  
disposed of for final disposal.



3.The petitioner was employed as Panchayat Secretary in the third respondent/Panchayat. By the impugned order dated 30.05.2013 he was removed from service. The allegation made against the petitioner is that he was guilty of misappropriation of Panchayat funds.

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4.Be that as it may, it is not open to the third respondent to remove the petitioner from service without holding a proper enquiry. This court in the decision reported in (2008) 5 MLJ 1284 (R.Palanivel Vs. Commissioner, Gingee Panchayat Union, Villupuram District and another) held that if the Panchayat employee is to be removed from service, regular department enquiry must be conducted. If there is such removal from service without holding such an enquiry, it will be a violation of principles of natural justice.

5.Following the said decision, this Court quashes the impugned order. The matter is remitted to the file of the concerned Special Officer, Block Development, Theni. It is open to the competent authority to take action afresh in accordance with law.

6.The Writ Petition stands allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector cum  
Inspector of Panchayats,  
Office of the District Collector,  
Theni, Theni District.

2.The Special Officer / Block Development Officer,  
Andipatti Village Panchayat,  
Theni.

+1cc to M/S.Veera Associates, Advocate SR.No. 43785  
+1cc to Special Government Pleader, SR.No. 44175

W.P.(MD) No.3488 of 2014

and

M.P.(MD).No. 2 & 3 of 2014

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