



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.16545 of 2018andW.M.P(MD) No.14631 of 2018

Ramakrishnan

... Petitioner

Vs

1) The District Collector,
Trichy District,
Trichy.

2) The Assistant Director of
Village Panchayat,
Collectorate,
Trichy District,
Trichy.

3) The Block Development Officer (Villages),
Marungapuri Panchayat Union,
M.Kallupatti,
Marungapuri Taluk,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in pertaining to the impugned proceedings of the 3rd respondent dated 03.05.2018 vide his proceedings in Na.Ka Aa2/1462/2016 and quash the same as illegal and consequently direct the 3rd respondent to permit the petitioner to joint his duty as village Secretary and pay the salary payable to the petitioner from the month of October 2017.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.O R D E R

The prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the 3rd respondent dated 03.05.2018 vide his proceedings in Na.Ka Aa2/1462/2016 and quash the same as illegal and consequently, direct the 3rd respondent to permit the petitioner to joint his duty as Village Secretary and pay the salary payable to the petitioner from the month of October 2017.



2. Heard Mr.T.Vadivelan, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. The petitioner had been working as Panchayat Secretary of Nallur Village Panchayat in Marungapuri Taluk, Trichy District. According to the respondents, the petitioner has not been attending to the duty properly for long days and he had been consistently absent for the duty, with a result, the People's Welfare Scheme, which is being under implementation at rural areas, especially, in the village concerned, is being affected. Therefore, yet another Village Panchayat Secretary has been given incharge of the work to be undertaken. In this regard, explanation has been called for from the petitioner, by show cause notice dated 03.05.2018 alleging certain charges against the petitioner. In response to the said show cause notice, the petitioner has given a reply dated 15.05.2018.

4. The grievance of the petitioner is that even though reply has been given on 15.05.2018, no orders have been passed by the respondents, especially, the third respondent and the petitioner also has not been permitted to attend the duty. Therefore, the petitioner challenged the impugned show cause notice dated 03.05.2018.

5. However, the learned counsel appearing for the petitioner would submit that, though such challenge is made in the writ petition, since reply has already been given by the petitioner to the said show cause notice dated 15.05.2018 itself, if the third respondent considers such reply of the petitioner and pass orders to that effect on merits and in accordance with law, the petitioner would be satisfied.

6. I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents, who would submit that, pursuant to the said show cause notice, since the petitioner has given a reply on 15.05.2018, the same would be considered on merits and in accordance with law and an order to that effect would be passed within a time frame that may be fixed by this Court.

7. Considering the submissions made by both sides and taking into account the present prayer, as confined by the petitioner through the learned counsel for the petitioner, which is innocuous in nature, this Court is inclined to pass the following orders:

"that the third respondent is directed to pass orders on the reply given by the petitioner dated 15.05.2018 to the show cause notice issued by the third respondent in ந/க/ஆ2/1462/2016 dated 03.05.2018 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



8. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, W.M.P (MD) No.14631 of 2018 is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1) The District Collector,
Trichy District,
Trichy.

2) The Assistant Director of
Village Panchayat,
Collectorate,
Trichy District,
Trichy.

3) The Block Development Officer (Villages),
Marungapuri Panchayat Union,
M.Kallupatti,
Marungapuri Taluk,
Trichy District.

+ 1 CC TO Mr.T.Vadivelan, ADVOCATE IN SR No.75491.
+1 cc to Special Government Pleader, SR.No.75638.

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Order made in
W.P.(MD)No.16545 of 2018
27.07.2018