



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18616 of 2017

and

W.M.P.(MD)No.15003 of 2017

A.Ashok Kumar

... Petitioner

Vs.

1.The Director of Rural Development and Panchayat Raj
O/o. The Director of Rural Development
and Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai-15.

2.The District Collector,
Madurai District,
Madurai.

... Respondents

PRAYER : This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in his proceedings ந.க.எண்/48577/2013/அ/வ/-5 dated 16.03.2017 (served to the petitioner on 24.03.2017) and quash the same as illegal and consequentially to direct the respondents to promote the petitioner as Block Development Officer from the date on which his immediate junior was promoted within the period that may be stipulated by this Court.

For petitioner

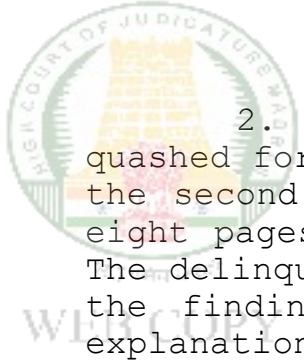
: Mr.Mohamed Imran
for Ajmal associates

For Respondents

: Mr.Jeyakumar
Additional Government Pleader

ORDER

The petitioner is presently working as Deputy Block Development Officer. He was issued with a charge memo dated 09.10.2013. An enquiry was conducted. The enquiry report dated 21.12.2015 found that the charge framed against the writ petitioner stood proved. Thereafter, show cause notice was issued. The petitioner's further explanation was obtained. The second respondent passed the impugned order dated 16.03.2017, imposing the punishment of censure on the petitioner. The same is assailed in this writ petition.



2. The order impugned in the writ petition is liable to be quashed for the simple reason that the order of punishment passed by the second respondent is non-speaking. The impugned order runs to eight pages. The charges against the writ petitioner are set out. The delinquent's explanation is also extracted. That is followed by the finding of the enquiry officer and followed by the further explanation of the writ petitioner. It is abruptly followed by the impugned order of punishment. Therefore, on the sole ground that the impugned order is non-speaking, it is liable to be quashed. Usually, in such cases quashing is followed by remand.

3. The learned counsel for the writ petitioner submitted that in this case the issue ought to be given a quietus.

4. This Court went through the charges framed against the writ petitioner. It is seen that the Panchayat President took away the cheque meant for disbursement for beneficiaries under the MGNREGS Scheme, without getting the countersignature of the Block Development Officer. It appears that the panchayat president has taken away the cheque from the table of Block Development Officer. The writ petitioner was only the Deputy Block Development Officer. Therefore, for the aforesaid act of the panchayat president, the petitioner herein cannot be faulted. As regard the grant of promotion to the writ petitioner, it is for the respondents to take decision within a period of eight weeks.

5. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Director of Rural Development and Panchayat Raj
O/o. The Director of Rural Development and Panchayat Raj
Department, Panagal Building, Saidapet, Chennai-15.

2.The District Collector, Madurai District,
Madurai.

+1CC to M/s.Ajmal Associates., Advocate, SR.No. 57131
+1CC to the Special Government Pleader SR.No.57292

ORDER MADE IN
W.P. (MD) No.18616 of 2017
21.03.2018

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