

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.02.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4080 of 2019
and
W.M.P.No.4552 of 2019

M.Kannan

..Petitioner

vs

- 1.The Government of Tamil Nadu
Rep.by its Principal Secretary to Government
Rural Development and Panchayat Raj Department
Secretariat, Chennai - 600 009
- 2.The District Collector &
Inspector of Panchayats
Salem District, Salem.
- 3.The Project Director,
District Rural Development Agency
Salem District, Salem.
- 4.The Assistant Director of Panchayats
Salem District, Salem.
- 5.The Block Development Officer/
Commissioner (Village Panchayats)
Mecheri Panchayat Union,
Mecheri - 636 453
Salem District.
- 6.The Deputy Superintendent of Police
District Crime Branch, Salem.
- 7.M.Moorthy
- 8.The Assistant Director of Audits
Rural Development,
Salem District, Salem.

..Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondents 2 to 5 to initiate appropriate

proceedings against the 7th respondent and other officers for their illegalities irregularities and misappropriation of panchayat funds under the provisions of Tamil Nadu Panchayat Act and its Rules based on the report of the 8th Respondent dated 18.12.2017 and consequently direct the 6th respondent to complete the investigation against the 7th respondent for his criminal misconduct and forgery of panchayat cheques.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader
for R1 to R4 & R6
Mr.J.Ramesh
Additional Government Pleader for R5

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 2 to 5 to initiate appropriate proceedings against the 7th respondent and other officers for their illegalities irregularities and misappropriation of panchayat funds under the provisions of Tamil Nadu Panchayat Act and its Rules based on the report of the 8th Respondent dated 18.12.2017 and consequently direct the 6th respondent to complete the investigation against the 7th respondent for his criminal misconduct and forgery of panchayat cheques.

2.The 8th respondent / Assistant Director of Audits, Rural Development, Salem District submitted a report in proceedings dated 18.12.2017 and communicated the report to the District Collector, Salem. The report submitted by the Assistant Director of Audits categorically enumerates that certain misappropriations are identified in relation to the expenditures of the Panchayat funds. The large scale misappropriation of the public funds are found during the Audit by the Assistant Director of Audits. The report states that in respect of the allegations now set out in the present writ petition.

3.The grievances of the writ petitioner is that inspite of the Audit report and inspite of the fact that large quantum of public funds were misappropriated, the authorities competent are not only insensitive and have not taken any effective action in order to prosecute all these offenders.

4.The learned counsel for the writ petitioner states that the officials competent are not cooperating for the effective investigation and prosecution of these offenders.

5.This Court is of an undoubted opinion that the public officials are bound to function and exercise their powers in accordance with law. If any lapses, negligence, or dereliction of duty are found, all those officials are liable for prosecution and as well as the competent authority shall initiate disciplinary proceedings against all such officials under the Discipline and Appeal Rules. Lapses on the part of the public servants are to be viewed seriously. Public servants are bound to serve in the interest of public administration and for the welfare of the public.

6.This being the Constitutional mandates, this Court is of an opinion that the officers concerned are bound to function efficiently and in such nature of cases, where large scale misappropriation of public funds are identified. They must not only act swiftly, but also, act prudently and vigilantly. The allegation raised of the writ petitioner is that the concerned officials are not only insensitive and they are not taking action effectively. If any such lapses or dereliction of duty is identified by the higher officials namely, the District Collector and the 1st respondent, then suitable disciplinary proceedings are to be initiated against all such Government officials under the provisions of the Discipline and Appeal Rules.

7.Thus, the respondents 1 to 6 are directed to conduct proper and efficient investigation in respect of the allegations of misappropriation of public funds and initiate all further actions. The respondents 1 to 3 are also directed to initiate appropriate action against the officials, who all are insensitive and non-cooperative in respect of the investigation and for initiation of appropriate action.

8.With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government
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Mecheri - 636 453
Salem District.
 - 6.The Deputy Superintendent of Police
District Crime Branch, Salem.
 - 7.The Assistant Director of Audits
Rural Development,
Salem District, Salem.
- +1cc to Mr.S.Manikandan, Advocate SR.No.12757
- +1cc to Government Pleader SR.No.13415

CP(CO)
GMY(04/03/2019)

W.P.No.4080 of 2019

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