

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.02.2019
CORAM
THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.5509 of 2018

S.Mani

...Petitioner

Vs

The District Collector/Inspector
of Panchayat, Salem Panchayat,
Salem District.

... Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, call for the records of the impugned order passed by the respondent in its R.C.No.28734/2017/Thi.3 dated 14.10.2017 to quash the same.

For Petitioner : Mr.R.Ravanan

For Respondent : Mr.D.Suriya Narayana
Additional Government Pleader

O R D E R

The order of suspension passed by the respondent in proceedings dated 14.10.2017 is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the writ petitioner states that the petitioner was holding the post of Panchayat Secretary for about 13 years. On account of certain false set of allegations, the writ petitioner was placed under suspension in proceedings dated 14.10.2017.

3. The grievance of the writ petitioner is that no further action was initiated pursuant to the initiation of disciplinary proceedings against him and he is under prolonged suspension. Thus, the impugned order of suspension is to be revoked.

4. The learned Additional Government Pleader appearing on behalf of the respondents opposed the contentions raised by the writ petitioner by stating that the allegations against the petitioner is misappropriation of public fund to the tune of Rs.41,84,094/- and therefore, the authorities have to scrutinize the relevant documents and continue the departmental disciplinary proceedings by following procedures as contemplated. Based on preliminary inspection report, the petitioner was placed under suspension in proceedings dated

14.10.2017. In view of the fact that large scale of Government money has been misappropriated, a roving enquiry is just and necessary and therefore, revocation of suspension at this point of time would cause prejudice to conduct all further enquiry in respect of allegations set out against the writ petitioner.

5. Undoubtedly, there cannot be any leniency in respect of the allegations of misappropriation of Government funds or corruption which all are to be dealt in accordance with law and Courts cannot show any leniency in quashing the Departmental disciplinary proceedings including the order of suspension. However, the competent authorities, on initiation of disciplinary proceedings, must ensure that such proceedings are conducted within a reasonable period of time and a decision is to be taken by following procedures and by affording opportunity to the writ petitioners.

6. In the present case on hand, the writ petitioner was placed under suspension in proceedings dated 14.10.2017 and almost one and half year has completed and thus, the disciplinary authorities must proceed with the enquiry proceedings by affording opportunity to the writ petitioner and to conclude the same as expeditiously as possible and pass final orders without any further lapse of time. Taking note of the fact that allegations of misappropriation of public funds, the authorities must show some sensitiveness and conclude the departmental disciplinary proceedings at the earliest possible.

7. With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrm

To

The District Collector/Inspector
of Panchayat, Salem Panchayat,
Salem District.

+1cc to Mr.R.Ravanan, Advocate, S.R.No.11798
+1cc to the Government Pleader, S.R.No.12331

W.P.No.5509 of 2018

KJI (CO)

rrs 07/03/2019