

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18621 of 2018

and

W.M.P.Nos.17949 and 22861 of 2019

N. Jeyasankar

.. Petitioner

Vs.

1.The Director of Rural Development and Panchayat Raj,
Directorate of Rural Development and Panchayat Raj
Panagal Building, Saidapet, Chennai - 600 015.

2.The Assistant Director (Admin),
Directorate of Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai - 600 015. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating the impugned proceedings issued by the 2nd respondent in Proc.No.10/2019/ Gen 1-2 dated 10.06.2019 and to quash the same and consequently directing the respondent to allow the petitioner to continue the post of Block Development Officer.

For Petitioner : Mr.G. Sankaran

For Respondents : Mr.A.N. Thambi Durai
Special Government Pleader

ORDER

This writ petition has been filed to call for the records relating the impugned proceedings issued by the 2nd respondent in Proc.No.10/2019/ Gen 1-2 dated 10.06.2019 and to quash the same and consequently directing the respondent to allow the petitioner to continue the post of Block Development Officer.

2.The case of the petitioner is that when the petitioner was working as Block Development Officer, he involved in strike on 22.01.2019. The strike is to protest the restoration of old pension instead of CPS, rectification of pay anomaly, payment of pay commission arrears etc., When the concerned officials made a representation to this Court regarding the objects of strike on 29.01.2019, this Court made an observation that all the Government servants involved in the strike should return to duty either on 30.01.2019 or 31.01.2019 and the petitioner returned to duty on 31.01.2019.

3.Inspite of the petitioner reported to duty on 31.01.2019 the first respondent herein has issued a charge memo dated 30.01.2019 that he was violated Rule 20, 22,22A of Tamil Nadu Servants Conduct Rules, 1973 and the petitioner submitted his explanation on 22.02.2019. Thereafter, the first respondent herein has issued an order of reversion reverting the petitioner from the post of Block Development Officer due to the reason that charge memo was issued to the petitioner. Hence, this writ petition came to be filed.

4.The learned counsel for the petitioner submitted that the first respondent had issued charge memo without taking note of the fact that the petitioner reported to duty on 31.10.2019 and prays to allow this appeal.

5. The learned counsel for the respondents submitted that the first respondent had issued charge memo as per the existence of prevailing law and there is no violation in this regard.

6.The petitioner was temporarily promoted as BDO Under Section 47(1) of Tamil Nadu Servants (conditions of service) Act and he joined on 16.08.2018. However, citing the charge memo, he was reverted back to the post of Deputy Block Development Officer and his name was defended in the BDO Panel for the year 2019-2020 due to the pendency of 17(b) charges.

7. Admittedly as per Section 47(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, pending disciplinary charges, the individuals name should not be included in the panel. Hence, unless the disciplinary proceedings are concluded in favour of the petitioner, the petitioners name should be deferred in the panel. Hence, I do not find any error in the impugned order.

8. The writ petition is accordingly dismissed. However, this order will not stand on the way of the respondents to conclude the disciplinary proceedings/department enquiry against the petitioner as expeditiously as possible. No costs. Consequently, connected miscellaneous petition are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

smn
To

1. The Director of Rural Development and Panchayat Raj,
Directorate of Rural Development and Panchayat Raj
Panagal Building, Saidapet, Chennai - 600 015.
2. The Assistant Director (Admin),
Directorate of Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai - 600 015.

+1 cc to Mr.G.Sankaran Advocate sr98543

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