

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.26478 and 26484 of 2019
and
W.M.P.Nos.25849 and 25859 of 2019

S.Sekar .. Petitioner in both Writ Petitions

Vs.

1.The Inspector of Panchayat / District Collector,
Cuddalore District.

2.The Assistant Director (Panchayats)
Vridhachalam,
Cuddalore District.

3.The Block Development Officer,
(Village Panchayats)
Kammapuram Panchayats Union,
Vridhachalam Taluk,
Cuddalore District. Respondents in both Writ Petitions

PRAYER in W.P.No.26478 of 2019 : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the third respondent in Na.Ka.No.C1/876/2019, dated --.07.2019 (signed on 25.07.2019) with annexure 1 to 4 and quash the same.

PRAYER in W.P.No.26484 of 2019 : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent in Na.Ka.No.C1/876/2019, dated 25.07.2019 and quash the same and consequently direct the respondents to give posting order to the petitioner as Clerk/ Secretary in Devangudi Village Panchayat, Kammapuram Panchayats Union, Vridhachalam Taluk, Cuddalore District with all other consequential monitory benefits.

For Petitioner : Mr.A.Ramalingam

For Respondents : Mr.R.S.Selvam
Government Advocate
(in both writ petitions)

COMMON ORDER

These writ petitions are filed seeking quashment of the impugned charge memo issued by the third respondent in Na.Ka.No.C1/876/2019, dated 25.07.2019 and the suspension order, consequently direct the respondents to give posting order to the petitioner as Clerk/ Secretary in Devangudi Village Panchayat, Kammapuram Panchayats Union, Vridhachalam Taluk, Cuddalore District with all other consequential monetary benefits.

2.By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

3.The petitioner's case is that the petitioner was working as Panchayat Clerk / Secretary at Devangudi Village Panchayat, Kammapuram Panchayats Union, Vridhachalam Taluk, Cuddalore District. On 09.08.2019, the petitioner was issued with a charge memo in Na.Ka.No.C1/876/2019 dated 25.07.2019 under Rule 17 of Tamil Nadu Village Panchayat Secretaries Rule, 2013, calling for the petitioner's explanation with regard to improper expenditure caused by the petitioner during the financial year 2011-2012, 2012-2013 and 2013-2014 at the time when the petitioner was serving as a Panchayat Clerk / Secretary and also issued a suspension order.

4.According to the petitioner, the charge memo does not disclose any specific allegations on the petitioner. The first respondent in his memo mentioned that the petitioner has misappropriated the fund of the Panchayat to the tune of Rs.16,38,389/-, which is also without any materials.

5.Considering the facts and circumstances of this case and by perusing the materials placed before this Court, this Court is of the view that the discretionary power is vested with the competent authority to decide the matter. The petitioner can prove himself by attending the departmental enquiry and this Court by exercising its jurisdiction under Article 226 of the Constitution of India, cannot quash the charge memo at the very threshold.

6.Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

pnn

To

1.The Inspector of Panchayat / District Collector,
Cuddalore District.

2.The Assistant Director (Panchayats)
Vridhachalam,
Cuddalore District.

3.The Block Development Officer,
(Village Panchayats)
Kammapuram Panchayats Union,
VridhachalamTaluk,
Cuddalore District.

+1cc to Mr.R.S.Selvam, Advocate, S.R.No. 77535

+1cc to the Government Pleader, S.R.No. 77769

W.P.Nos.26478 and 26484 of 2019
and

W.M.P.Nos.25849 and 25859 of 2019

VG II(CO)
GN(17/10/2019)



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