



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Friday, the Twenty Eighth day of June Two Thousand and Nineteen

CORAM :

The Hon'ble Mr. Justice S.M. SUBRAMANIAM

WP(MD). No.16125 of 2012

B.Rasu

... Petitioner

- Vs. -

1. The Inspector of Panchayats/District Collector,
Virudhunagar District,
Virudhunagar
2. The Block Development Officer(Village Panchayats),
Sattur in Virudhunagar District.
3. The President,
N.MuthusamyPuram Village Panchayat,
Sattur Taluk, Virudhunagar District.
4. Palanichamy

... Respondents

Prayer in WP(MD).No.16125 of 2012 :

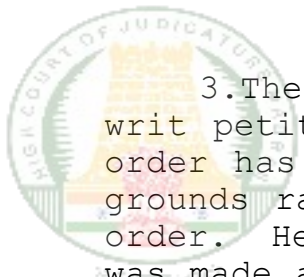
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in dated 25.10.2012 issued by the 3rd respondent herein suspending the petitiner from the post of Over Head Tank Operator in N.Muthusampuram Village panchayat in Virudhunagar District and quash the same and direct the 3rd respondent to permit petitioner to continue his job.

ORDER:-

Writ Petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. Thalai Mutharasu, Advocate for the Petitioner, Mr. K.Dayalan, Government Advocate on behalf of the respondents No.1 & 2 and of Mr.P.Parthiban, Advocate for the 3rd Respondent, and respondent No.4 not having appeared in person or through counsel, this Court made the following order:

The Block Development Officer / Special Officer (Village Panchayats), Sattur in Virudhunagar District / second respondent herein is present before this Court.

2.On instructions, the learned Government Advocate appearing for the respondents 1 and 2 made a submission that one Palanichamy / fourth respondent herein, who was terminated from service, was directed to be reinstated by virtue of the Court order. Thus, in order to reinstate the said Palanichamy, the writ petitioner was placed under suspension.



3.The Block Development Officer is unable to explain why the writ petitioner was placed under suspension and such a suspension order has not been reviewed for the past more than 6 years. The grounds raised for suspension are also not stated in the impugned order. He is unable to explain whether any conditional appointment was made at the time of appointing the writ petitioner to the post of Over Head Tank Operator. Thus, the irregularity occurred at the time of appointment of the writ petitioner as well as at the time of placing him under suspension. In this regard, the Block Development Officer states that he joined recently, and therefore, he did not know anything.

4.Such evasive answer is impermissible as far as the public servants are concerned. The public servants are responsible and accountable. The officers may come and go, but they are bound to answer with reference to the files available on record. No public servant can say without verifying the files that he joined recently, and therefore, he is not answerable. Such attitude is to be deprecated.

5.Under these circumstances, the first respondent / District Collector / Inspector of Panchayats, Virudhunagar District, Virudhunagar is directed to verify the entire files in relation to the appointment of the writ petitioner as well as the reinstatement of the fourth respondent herein and the order of suspension, placing the writ petitioner under suspension and initiate suitable disciplinary actions and all other actions against all the officials, who are all responsible and liable for such illegalities or irregularities, if any identified by the District Collector during the course of enquiry. Such an exercise is directed to be done by the first respondent, within a period of three weeks and the first respondent is directed to submit a report in this regard before this Court on 17.07.2019.

6.Post the matter on 17.07.2019 for orders.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Inspector of Panchayats,
District Collector, Virudhunagar District,
Virudhunagar

2. The Block Development Officer(Village Panchayats),
Sateur in Virudhunagar Dist.



3. The Government Advocate,
Madurai Bench of madras High Court,
Madurai.

COPY TO

The Section Officer, Writ Section,
Madurai Bench of Madras High Court,
Madurai.

WP(MD) No.16125 OF 2012
DATED: 28.06.2019

NS (CO)

TR (05.07.2019) 3P 5C