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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.3236 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

M.Ganesan ... Petitioner

-Vs-

1.The Personal Assistant to Collector,
Dindigul District, Dindigul.

2.The Block Development Officer (Village Panchayats),
Vedasandur, Dindigul District.

3.The President,
Nagaiyakottai Village Panchayat,
Vedasandur Panchayat Union,
Dindigul District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in Roc. No. 1073/2014/ RD9 dated 17.02.2014, quash the same.

For Petitioner : Mr.L.Shaji Chellan

For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

The order of suspension dated 17.02.2014 is sought to be quashed in the present writ petition.

2.The learned counsel for the writ petitioner states that the writ petitioner is working as a Panchayat Secretary in Nagaiyakottai Village Panchayat and on account of certain allegation, the impugned order of suspension was issued in proceeding dated 17.02.2014. However, the writ petitioner is now working, pursuant to the interim order granted in the writ petition.

3.The learned counsel appearing for the writ petitioner states that the Personal Assistant to Collector during the relevant point of time was not the appointing authority and further, he has no jurisdiction to place the Panchayat Secretary under suspension. Thus, the impugned order is liable to be scrapped on the ground of

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jurisdiction.

4.This Court is of the considered opinion that the learned Government Advocate is unable to establish that as to whether the Personal Assistant to Collector was having jurisdiction with reference to the rules in force. This apart, the Government Order issued in G.O.Ms.No.72, Rural Development and Panchayat Raj (E5) Department, dated 09.07.2013, was also stayed by the High Court, during the relevant point of time, when the impugned order was passed.

5.This being the factum, the impugned order of suspension issued by the first respondent in Roc.No.1073/2014/RD9, dated 17.02.2014 is quashed. However, the respondents are bound to continue the departmental disciplinary proceedings initiated by framing charges and conclude the same as expeditiously as possible.

6.With the above direction, this Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Personal Assistant to Collector,
Dindigul District, Dindigul.

2.The Block Development Officer (Village Panchayats),
Vedasandur, Dindigul District.

3.The President,
Nagaiyakottai Village Panchayat,
Vedasandur Panchayat Union,
Dindigul District.

+1CC TO MR.L.SHAJI CHELLAN, Advocate Sr. No.76060
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 76015

W.P.(MD).No.3236 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014
17.07.2019

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