



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 8606 of 2017

and

W.M.P. (MD) Nos. 6530 & 6531 of 2017

WEB COPY

A. Vellaichamy

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District.

2. The Commissioner,
Kadaladi Panchayat Union,
The Office of the Kadaladi Panchayat Union,
Ramanathapuram District.

3. The Block Development Officer,
Kadaladi Panchayat Union,
The Office of the Kadaladi Panchayat Union,
Ramanathapuram District.

... Respondents

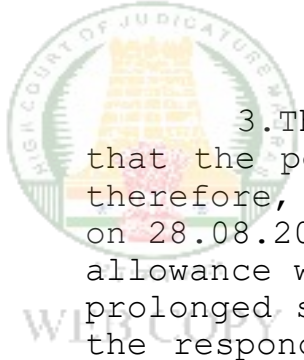
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the order of suspension, passed in Roc.V3/16798/2017, dated 18.04.2017, on the file of the first respondent herein and quash the same as illegal.

For Petitioner	: Mr.K.R.Laxman
For R1 and R3	: Mr.Aayiram K.Selvakumar Additional Government Pleader
For R2	: Mr.S.Kumar

ORDER

This Writ Petition has been filed seeking to quash the order of suspension, dated 18.04.2017, passed by the first respondent in Roc.V3/16798/2017.

2. According to the petitioner, he was appointed as Junior Assistant in Kamuthi Panchayat Union Office, Kamuthi, on 08.02.2010 and thereafter, he was transferred to the second respondent Panchayat Union as Junior Assistant on 23.04.2010 and he was posted as Cashier in the second respondent Panchayat on 20.03.2014 and working as Cashier in the said Panchayat Union till 14.05.2015 and thereafter, he was promoted as Assistant on 14.05.2015. While the petitioner was working as Assistant, he was placed under suspension by the first respondent, vide his proceedings dated 18.04.2017, on the ground of misappropriation.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not worked as Cashier after 15.05.2015 and therefore, he is not responsible for the delayed remittance happened on 28.08.2015 and 30.12.2015. He further submitted that subsistence allowance was not paid to the petitioner and the petitioner is under prolonged suspension and therefore, no prejudice would be caused to the respondents, if the suspension order is revoked and therefore, he prayed for allowing this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that pursuant to the charges framed against the petitioner, an enquiry officer was appointed and after completing the enquiry proceedings, the enquiry officer has submitted a report to the Director of Rural Development, Chennai, on 19.07.2019 and now, the same is pending before the Director of Rural Development, Chennai. The learned Additional Government Pleader further submitted that the subsistence allowance has already been paid to the petitioner.

5. In the view of the abovesaid submissions of the learned counsel on either side, this Court is inclined to pass the following order:-

(i) The petitioner is directed to make an application for payment of subsistence allowance, if the same has not been paid, as per relevant provisions of law, within a period of one week from the date of receipt of a copy of this order.

(ii) On receipt of such application, the respondent concerned is directed to pass appropriate orders in respect of payment of subsistence allowance. If the same has already been paid, the respondent concerned shall state the details and communicate the same to the petitioner. If any difference in payment of subsistence allowance, it is open to the petitioner to make representation before the authorities concerned.

(iii) The Director of Rural Development, Chennai, is directed to pass final orders in the disciplinary proceedings as per relevant Rules, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The District Collector,
Ramanathapuram District.
2. The Commissioner,
Kadaladi Panchayat Union,
The Office of the Kadaladi Panchayat Union,
Ramanathapuram District.
3. The Block Development Officer,
Kadaladi Panchayat Union,
The Office of the Kadaladi Panchayat Union,
Ramanathapuram District.
4. The Director of Rural Development,
Chennai

+1 CC to Mr.K.R.LAXMAN, Advocate (SR-76983[F] dated 23/07/2019)

W.P.(MD)No.8606 of 2017
22.07.2019

smn2

MK (13.08.2019) 3P 6C