



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2020

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.11866 of 2014

and

M.P(MD)No.1 of 2014

WEB COPY

Shankhar

... Petitioner

vs.

- 1.The District Collector,
Dindigul District.
- 2.The Block Development Officer,
Vedasandhur Union,
Vedasandhur,
Dindigul District.
- 3.Nagayankottai Panchayat,
rep.by its President,
N.Pudur Road,
Nagayankottai Panchayat Office,
Dindigul District.
- 4.K.Arumugam,
President,
Nagayankottai Panchayat,
Dindigul District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of suspension passed by the third respondent dated 18.06.2014 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all benefits.

For Petitioner	: Mr.K.P.Narayanakumar
For R1 & R2	: Mr.J.Gunaseelan Muthaiah, Additional Government Pleader
For R3 & R4	: No appearance

ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of suspension passed by the third respondent, dated



18.06.2014 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all benefits.

2. The petitioner is functioning as over Head Tank Operator in Nagayankottai Village Panchayat. His appointment was approved by the appointment committee of Village Panchayat way-back on 26.04.2000. The petitioner is receiving consolidated pay from the Panchayat.

3. While so, the fourth respondent, who is the President of Nagayankottai made an attempt to draw water pipe line to provide water to the farm of his relatives. This resulted in a local agitation. The local people submitted a representation dated 09.06.2014, to the District Collector. In view of the agitation, the fourth respondent could not take the water pipe line to the farm of his relatives. The second respondent at the instance of the fourth respondent made a complaint to the police. While so, the fourth respondent in his capacity as President, suspended the petitioner on the ground that he was instrumental in making false propaganda and that resulted in the local agitation against laying water pipe line.

4. The order of suspension is under challenge primarily on the ground that the fourth respondent is personally interested in the matter and he is aggrieved on account of the failure to draw water pipe line to the farm of his relatives.

5. The factual matrix shows that the second respondent has already requested the police to drop the earlier complaint vide proceedings dated 30.06.2014, preferred against the petitioner.

6. The impugned order if considered in the light of the factual matrix and the letter given by the second respondent dated 30.06.2014 would primarily show that all is not well in the Panchayat. The motive in suspending the petitioner by the fourth respondent is also self-evident. Therefore, I am of the view that the petitioner has made out a prima-facie case. The balance of convenience is also in favour of the petitioner.

7. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record.

8. The President has passed an order on 18.06.2014 suspending the petitioner from service from 18.06.2014. The Block Development Officer has sent a letter to the Deputy Superintendent of Police on 30.06.2014 rejecting the claim of the Village President letter dated 14.06.2014. Thereafter, the second respondent sent a communication

<https://doiservices.etdms.gov.in/doiservices/>

respondent vide Na.Ka.No.1497/2014/A3, dated



Nil.06.2014, wherein he has directed the President to cancel the said order of temporary suspension and then to take action against the petitioner by following the rules. The petitioner has filed the present writ petition by challenging the impugned order of suspension dated 18.06.2014 and this Court by an order dated 22.07.2014 has granted an order of interim stay. In view of the interim order granted by this Court, the petitioner is still serving in the very same place.

9. Even though, the Block Development Officer has directed the third respondent to drop the further proceedings against the petitioner and subsequently he has directed the President/third respondent to take further action by following the rules and in accordance with law. Hence, this Court is of the view that further enquiry should be conducted.

10. In view of the same, this Court directs the Assistant Director of Panchayat to enquire into this matter after giving sufficient opportunity to the parties concerned and then pass appropriate orders, within a period of six months from the date of receipt of a copy of this order. In the meanwhile, the petitioner should not be disturbed in any manner, till the enquiry is completed.

11. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Dindigul District.
- 2.The Block Development Officer,
Vedasandhur Union,
Vedasandhur,
Dindigul District.

+1 CC to M/s.SPL GP (SR-13048[F] dated 03/06/2020)

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-13041[F] dated 03/06/2020)

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KB(09.06.2020) 3P 5C

02.06.2020