



WEB COPY

W.P.(MD) No.14208 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14208 of 2021

and

W.M.P (MD) .No.11161 of 2021

Govindaraj

... Petitioner

Vs.

1.The District Collector,
Pudukkottai.

2.The Block Development Officer,
Office of the Viralimalai Panchayat Union,
Viralimalai Post & Taluk,
Pudukkottai District.

3.The President,
Suriyur Village Panchayat,
Perambur Post,
Viralimalai Taluk,
Pudukkottai District.

4.The Personal Assistant to
District Collector (Panchayat Development),
Pudukkottai. is suo moto impeaded as a party-respondent
by order of this Court dated 12.08.2021 by
Mr.Justice D.KRISHNAKUMAR

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus thereby directing the respondents to permit the petitioner to join duty as Panchayat Secretary in the third respondent Village Panchayat and pass orders.

For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondents	: Mr.A.K.Manickam
	Standing Counsel for Government
	For R1 and R3
	Mr.K.S.Selvaganesan
	For R2

O R D E R

The Writ Petitioner was appointed as Panchayat Clerk in the third respondent Panchayat and joined duty on 30.04.1998. Thereafter, charges have been levelled against the petitioner by proceedings dated 10.09.2010, by the first respondent for non-remittance of the taxes, non-submission of expenditure, receipts in



time failure to maintain proper records and accounts and the same was served on the petitioner.

2.The Writ Petitioner had submitted his explanation to the first-respondent. However, there is no further process in the disciplinary proceedings and the Writ Petitioner is being placed under suspension continuously for more than 11 years. Hence, the petitioner has made a representation dated 27.06.2016 to the first-respondent on which also no orders have been passed by the first-respondent and the said representation is still pending.

3.The learned Government Advocate appearing for the respondents submitted that if the aforesaid disciplinary proceedings are pending for consideration then the same shall be concluded at the earliest point of time by the authorities concerned.

4.In view of the submissions made by the parties, even though the relief sought for in the writ petition to revoke the suspension order, considering the fact that there is considerable delay in concluding disciplinary proceedings, in view of which the writ petitioner, who was placed under suspension, had to undergo the ordeal of suspension for 11 years. Therefore, in the interests of justice, this Court directs the first respondent, the competent authority to consider the explanation of the petitioner and to proceed with the said enquiry and take final decision and conclude the enquiry as expeditiously as possible within a period of four months from the date of receipt of a copy of this order. In case, the competent authority/respondent does not conclude the enquiry and pass orders within the aforesaid period of four months, the suspension order against the petitioner shall be reconsidered and to pass appropriate orders by revoking suspension order. The writ petitioner shall co-operate with enquiry proceedings to conclude the enquiry.

5.The Personal Assistant to the District Collector (Panchayat Development) is suo motu impleaded as a party-respondent with a direction to co-ordinate in the matter and ensure strict compliance of the above order.

6.The Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

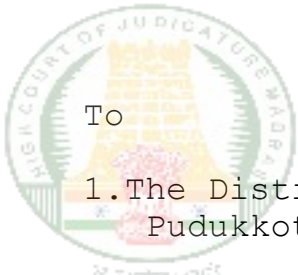
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

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Pudukkottai.

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Pudukkottai.

+1 CC to M/s.GP (SR-26225[F] dated 13/08/2021)

W.P. (MD) No.14208 of 2021

and

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RS (29.09.2021) 3P 6C