



WEB COPY

W.P.(MD) No.14729 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14729 of 2021

and

W.M.P. (MD) No.11661 of 2021

S.Muniasamy

... Petitioner

-vs-

1.The District Collector
Tenkasi District
Collectorate, Tenkasi

2.The Personal Assistant (Development)
to District Collector
Tenkasi District, Tenkasi

3.The Special Officer of
Thenmalai Village Panchayat /
Block Development Officer (Village Panchayats)
O/o.The Vasudevanallur Panchayat Union
Vasudevanallur Post, Tenkasi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records in pursuant to the impugned suspension order passed by the third respondent in her proceedings Na.Ka.No.Aa6/66/2021, dated 05.08.2021 and quash the same and consequently direct the respondents to treat the period of suspension as duty period and to grant all attendant and monetary benefits.

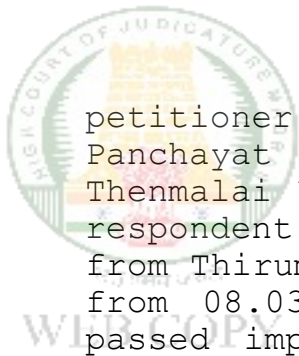
For Petitioner : Mr.Saravanakumar.M.

For Respondents : Mr.A.K.Manikkam
Government Counsel

O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the suspension order dated 05.08.2021, passed by the third respondent and to direct the respondents to treat the period of suspension as duty period and to grant all attendant and monetary benefits to the petitioner.

2. According to the petitioner, he is a handicapped person and was appointed as Panchayat Assistant in Ariyur Village Panchayat, Vasudevanallur Panchayat Union, Tirunelveli District, on 01.12.1996. During 2017, he was transferred from Ariyur Village Panchayat to Thirumalapuram Village Panchayat. Thereafter, since the



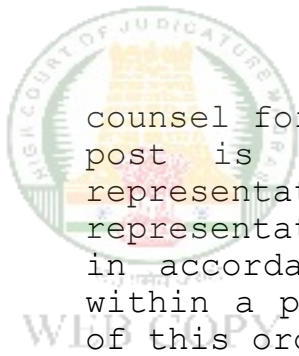
petitioner found it difficult to work in Thirumalapuram Village Panchayat as he is a handicapped person and there was a vacancy in Thenmalai Village Panchayat, he made a representation to the third respondent and based on the said representation, he was transferred from Thirumalapuram Village Panchayat to Thenmalai Village Panchayat from 08.03.2019 till date. While so, the third respondent has passed impugned order dated 05.08.2021 suspending the petitioner from service on the ground that he has misused her specimen signature in the building plan submitted by one Louis Francis and he has not remitted the amount in the Panchayat account. Challenging the same, the present writ petition has been filed.

3. According to the petitioner, the third respondent is not the competent Authority to pass such a suspension order and the competent Authority is only the Personal Assistant to the District Collector. Further, he would submit that the charges and allegations levelled against the petitioner are false and therefore, he seeks for revocation of the impugned suspension order passed by the third respondent. However, he prayed for a direction to the respondents to post the petitioner in some other non-sensitive post.

4. The learned Government Counsel appearing for the respondents, by producing a copy of the letter dated 02.01.2018, which was issued as per the directions of this Court and addressed to the Director of Rural Development and Panchayat Raj, submitted that the appointing authority to the post of Panchayat Secretary is the Block Development Officer (Village Panchayats) / Special Officer of the Village Panchayats concerned and therefore, the contention of the learned counsel for the petitioner that the third respondent has no jurisdiction to pass the impugned suspension order is unsustainable. Insofar as appointing the petitioner in a non-sensitive post is concerned, the learned Government Counsel would submit that if the petitioner submits any representation for the said relief, the third respondent will consider the same.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Though the learned counsel for the petitioner raised a contention that the third respondent has no jurisdiction to pass suspension orders, as rightly contended by the learned Government Advocate, the Additional Chief Secretary to Government, Rural Development and Panchayat Raj Department, by his letter dated 02.01.2018, addressed to the Director of Rural Development and Panchayat Raj, has clearly spelt out that the appointing authority to the post of Panchayat Secretary is the Special Officer of the Village Panchayat concerned and therefore, the said contention raised by the learned counsel for the petitioner is not maintainable. With regard to the request made by the learned



counsel for the petitioner to post the petitioner in a non-sensitive post is concerned, the petitioner is at liberty to make a representation to that effect to the third respondent. If any such representation is made, the third respondent shall consider the same in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above liberty, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The District Collector,
Tenkasi District, Collectorate, Tenkasi.
- 2.The Personal Assistant (Development)
to District Collector,
Tenkasi District, Tenkasi.
- 3.The Special Officer of
Thenmalai Village Panchayat /
Block Development Officer (Village Administration),
O/o.The Vasudevanallur Panchayat Union,
Vasudevanallur Post, Tenkasi District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-30220[F] dated 24/09/2021)

+1 CC to M/s.SPL.GP (SR-30316[F] dated 27/09/2021)

W.P. (MD) No.14729 of 2021 and
W.M.P. (MD) No.11661 of 2021

24.09.2021

RD(12.10.2021) 3P 6C