



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

**W.P(MD) No. 7496 of 2015 and
M.P(MD) .No.1 of 2015**

M. Selvakumar

:Petitioner

.vs.

1.The District Collector,
Collectorate,
Sivagangai District.

2.The Project Officer,
District Rural Development Agency (DRDA),
Sivagangai District.

3.The Block Development Officer,
Panchayat Union Office,
Sivagangai,
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.no.Q1/22688/2013, dated 26.02.2015 on the file of the respondent No.1 and quash the same.

For Petitioner : Mr. G. Karthick for
Mr. T. Lajapathi Roy

For 1st respondent : Mr. N. Ramesh Arumugam
Government Advocate (Civil Side)

O R D E R

This petition has been filed to quash the impugned order passed by the first respondent in Na.Ka.No.Q1/22688/2013, dated 26.02.2015.



2. The petitioner has served as Union Overseer at Kallal Panchayat Union in Sivagangai District. The petitioner was employed through employment exchange under National Rural Employment Guarantee Scheme and have joined in the Rural Development Agency, Collectorate, Sivagangai District on 09.06.2008 and the Service was regularized on 10.12.2009 by the Project Director, Rural Development Agency, Sivagangai District and the petitioner is working as Union Overseer. During the year 2012-2013, the 3rd respondent passed an order for construction of houses to beneficiaries, who comes under "below poverty line" under Indira Awas Yojana (IAY) Scheme. The beneficiary selection authority is the third respondent and the petitioner is a Technical Officer who has to take measurement and to write bills.

3. On 14.10.2013, the first respondent issued a notice to the petitioner alleging the petitioner has not noticed that the beneficiary has put only wall and not house construction causing a loss of Rs.1 lakh. The petitioner submitted an explanation on 18.11.2013 denying the allegation and stated that his job is only marking and measurement and writing bills. Moreover he has issued a bill for part payment with correct measurement, for the extent of construction made by the beneficiary. Thereafter charge memo was issued after the lapse of one year i.e. on 15.06.2014 and the petitioner submitted explanation dated 13.01.2015 and also appeared before the 1st respondent and submitted an explanation. Without any proper enquiry the 1st respondent passed an order, dated 26.02.2015 under Rule 17(1)(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules imposing a punishment of stoppage of increment for six months without cumulative effect.

4. The respondent has filed detained counter stating that the inspection was carried on 03.09.2013 and irregularities were noticed that no new house was built and only new wall was constructed that too along one side of the dwelling unit, which was already constructed for which three installments were released to the beneficiaries and thereby, causing loss to the Government.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

6. It is seen from the records that the petitioner has not submitted clear explanation to the authorities alleged against the petitioner. It is also seen that the respondent even though issued a charge memo under 17(1)(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules has not stated any reason for coming to the conclusion that the charges are proved. The impugned order passed by the first respondent is non speaking order. Therefore, this Court deems it fit to direct the petitioner to submit an



additional explanation before the respondent, thereafter an opportunity shall be granted to the petitioner. Thereafter, the respondent shall pass a speaking order by giving proper reasons.

7. Therefore this court directs the petitioner to submit an additional explanation within a period of two weeks from the date of receipt of a copy of this order and thereafter, the respondents are directed to pass orders within a period of two months.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

1.The District Collector,
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District Rural Development Agency (DRDA),
Sivagangai District.

3.The Block Development Officer,
Panchayat Union Office,
Sivagangai,
Sivagangai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-36242[F] dated 29/11/2021)

+1 CC to M/s.SPL GP (SR-36297[F] dated 29/11/2021)

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RD(15.12.2021) 3P 6C