

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18801 of 2014

K.Mayilammal

...Petitioner

-Vs-

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The District Development Officer,
Mugaiyur Taluk,
Irupu Manapoondi,
Villupuram District.
- 3.The P.A. to District Collector,
Villupuram District,
Villupuram.

4.A.Selvaraj

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records on the file of the 3rd respondent in Na.Ka.No.CPT3/7272/2013, dated 23.06.2014.

For Petitioner : Mr.V.Raghavachari

For R1 & R3 : Mr.S.Prabhakaran
Government Advocate

For R2 : M/s.M.E.Rani Selvam

For R4 : No Appearance

ORDER

The order of punishment dated 23.06.2014, imposing the punishment of stoppage of increment for 1 year without cumulative effect on the fourth respondent Panchayat Secretary, is under challenge in the present writ petition.

2. The writ petitioner, who was the President of Senkunnam Village Panchayat, filed this writ petition questioning the validity of the punishment order passed against the fourth respondent Mr.A.Selvaraj, who was holding the post of Secretary in Senkunnam Panchayat. On account of certain allegations, the fourth respondent was placed under suspension and subsequently, the order of punishment was issued in proceedings dated 23.06.2014.

3. The learned counsel for the petitioner mainly contended that the order of punishment was issued without conducting any enquiry as contemplated and furthermore, the fourth respondent was functioning under the control of the petitioner. Since the punishment was issued without conducting an enquiry, despite the fact that the petitioner provided all the files before the District Collector, the petitioner has chosen to file this writ petition.

4. The learned Government Advocate appearing for the respondents 1 and 3 made a submission that the petitioner has no locus standi to challenge the punishment order issued against the fourth respondent, who was an employee of the Panchayat. That apart, certain financial irregularities were noticed by the District Collector and actions were taken against the President, Vice President and Panchayat Secretary of the Senkunnam Panchayat and a show cause notice was issued to the fourth respondent to submit the explanation, on 12.09.2014. Taking a lenient view, the Personal Assistant to the District Collector imposed the punishment of stoppage of increment for 1 year without cumulative effect.

5. This Court is of the considered opinion that for the purpose of imposing any penalty under the Tamil Nadu Panchayats Act and the Service Rules, the procedures as contemplated must be followed by the disciplinary authority. In the present case, the Personal Assistant to the District Collector has taken a lenient view, in respect of such financial irregularities and imposed the punishment. Such an approach of the Personal Assistant to the District Collector is doubtful and cannot be appreciated.

6. As far as the maintainability of the writ petition is concerned, the petitioner has no locus standi to challenge the punishment order issued to the fourth respondent, who was working as Panchayat Secretary during the relevant point of time. The writ petition is entertainable, if instituted by an aggrieved person, but not otherwise. The Panchayat President cannot be construed as an aggrieved person as far as the order of penalty is concerned.

7. In view of the fact that the writ petition has been filed by the Panchayat President, in order to protect the interest of the Panchayat, this Court is of the opinion that the District Collector has to conduct an independent enquiry with reference to the financial irregularities or otherwise and initiate all appropriate action against the person concerned. However, the writ petition filed challenging the punishment is not entertainable.

8. Accordingly, the first respondent/District Collector, Villupuram District is directed to look into the matter and initiate all appropriate action in the manner known to law. With this direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

hvk

To

- 1.The District Collector,
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Irupu Manapoondi,
Villupuram District.
- 3.The P.A. to District Collector,
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Villupuram.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.43616
+1cc to the Government Pleader, S.R.No.43968

W.P.No.18801 of 2014

RK(CO)
SB(21/07/2022)