



WP No.3976 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.3976 of 2017

L.Vijaya

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Petitioner

vs.

- 1.The District Collector/
Inspector of Panchayats,
Vellore District,
Vellore.
- 2.The Block Development Officer,
Village Panchayat,
Walajapet,
Vellore District.
- 3.The Assistant Director (Audit),
Collectorate,
Vellore-9.
- 4.The Assistant Director (Panchayat),
Collectorate,
Vellore-9.



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5.The Personal Assistant to
District Collector,
Law Section,
Collectorate,
Vellore-9.

6.The Personal Assistant,
District Collector,
(Development),
Collectorate,
Vellore-9.

7.V.K.Vasudevan

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first and second respondents to initiate proper disciplinary proceedings against the seventh respondent and to cancel the posting of the seventh respondent as Panchayat Secretary of Narasingapuram Panchayat, Walaja Panchayat Union, Vellore District.

For Petitioner : Ms.S.Sri Ranjini for
Ms.M.R.Sakunthala

For Respondents-1,3 to 6 : Mr.P.Gurunathan,
Additional Government Pleader.

For Respondent-2 : Mr.N.Srinivasan

For Respondent-7 : Mr.B.Gopalakrishnan



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ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to initiate departmental disciplinary proceedings against the seventh respondent and cancel the posting of the seventh respondent as Panchayat Secretary of Narasingapuram Panchayat, Walaja Panchayat Union, Vellore District.

2. The petitioner is an Ex-President of the V.C. Motoor Village Panchayat, Walaja Taluk, Vellore District. During the relevant point of time, the seventh respondent was the Panchayat Secretary and several allegations were raised against the writ petitioner regarding misappropriation of funds of the Panchayat Union.

3. The learned counsel appearing on behalf of the seventh respondent brought to the notice of this Court that the action was initiated against the writ petitioner for the alleged misappropriation and with that background, the writ petitioner submitted a false complaint against the seventh respondent.



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4. However, the learned Additional Government Pleader, appearing on behalf of the Department, made a submission that a criminal case was registered against the seventh respondent and the said case ended with an order of acquittal. Therefore, the seventh respondent was reinstated in service and the order of suspension was revoked.

5. The Assistant Director (Audit) submitted a representation to the District Collector stating that the seventh respondent has not committed any misappropriation or otherwise. However, the counter filed by the District Collector, Ranipet District reveals that though the seventh respondent was reinstated and thereafter, he was reappointed in the post of Panchayat Secretrary, Narasingapuram Village Panchayat at Vellore District. A show cause notice was issued by the sixth respondent to the seventh respondent for the recovery of a sum of Rs.3,12,708/- as surcharge. In the meanwhile, the writ petitioner has filed the present writ petition.



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6. An explanation from the seventh respondent was received and is kept under the process of examining the matter and taking final decision by the third respondent due to the penalty notice was issued by the Competent Authority.

7. The learned counsel for the seventh respondent made a submission that regarding the alleged misappropriation of the funds of the Panchayat Union, action was taken against the writ petitioner and the Competent Authorities are bound to complete the enquiry in the said proceedings and have to pass appropriate orders as expeditiously as possible.

8. It is brought to the notice of this Court that an action was initiated against the second respondent regarding the recovery of surcharge. Due to the pendency of the present writ petition, no final order has been passed. Thus the respondents 1 to 6 are directed to complete the process of enquiry in all respects and pass appropriate final orders without causing any undue delay.



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9. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

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S.M.SUBRAMANIAM, J.



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