



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.06.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

W.P. (MD) No. 6741 of 2019

and

W.M.P. (MD) No. 5396 of 2019

WEB COPY

P. Mariselvam

... Petitioner

/vs./

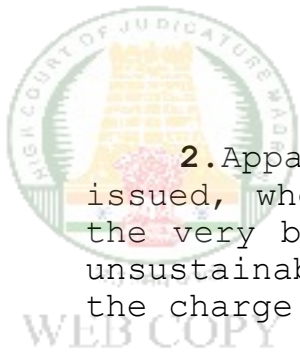
1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Collectorate, Sivaganga District,
Sivaganga.
3. The Personal Assistant (Development) to Collector,
Sivagangai District,
Sivagangai.
4. The Block Development Officer (Village Panchayats),
Sivagangai Panchayat Union,
Sivagangai Post & District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the Impugned Order passed by the 3rd respondent in Na.Ka.R2/22728/2014 dated 04.06.2018 and quash the same and consequently direct the respondents to reinstate the petitioner in service with all attendant and monetary benefits as Panchayat Secretary in Alangulam Village Panchayat, Sivagangai District.

For Petitioner : Mr. M. Saravanakumar
For Respondents : Mr. G. Suriyananth
Additional Government Pleader

ORDER

The petitioner herein, while serving as a Village Panchayat Secretary, was imputed on certain charges through a charge memo dated 27.08.2015, which was framed under the provisions of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013. The said Rules was subject matter of challenge before this Court in WP(MD)No.16884 of 2013 and by order dated 11.10.2013, the operation of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013 came to be stayed.



2.Apparently, the charge memo dated 27.08.2015, has been issued, when the order of interim stay was in force and therefore, the very basis, on which ultimate punishment came to be imposed is unsustainable. Hence, all the consequential proceedings pursuant to the charge memo dated 27.08.2015 cannot be sustained.

3.In the result, the impugned order dated 04.06.2018 passed by the third respondent is quashed and this Writ Petition stands allowed accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To:

- 1.The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector,
Collectorate, Sivaganga District, Sivaganga.
- 3.The Personal Assistant (Development) to Collector,
Sivagangai District, Sivagangai.
- 4.The Block Development Officer (Village Panchayats),
Sivagangai Panchayat Union,
Sivagangai Post & District.

+1 CC to M/s.M. SARA VANAKUMAR, Advocate (SR-27038[F] dated 21/06/2022)

+1 CC to M/s.SPL.GP (SR-27719[F] dated 23/06/2022 & SR-24593[F] dated 08/06/2022)

W.P. (MD)No.6741 of 2019
21.06.2022

MGJ(01.07.2022) 2P 7C