



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.16799 of 2021

and

W.M.P. (MD) Nos.13681 & 13683 of 2021

WEB COPY

B.Jeyabalan

... Petitioner

vs.

- 1.The State of Tamil Nadu
rep.by its Secretary to Government
Rural Development and Panchayat Raj Department
Secretariat, Chennai-9
- 2.The Director of Rural Development and Panchayat Raj
Directorate of Rural Development and Panchayat Raj
Panagal Building, Chennai-600 015
- 3.The District Collector
Dindigul District, Dindigul
- 4.The Personal Assistant to District Collector (Development)
O/o.the Collector Office Campus
Dindigul District, Dindigul
- 5.The Block Development Officer (Village Panchayat)
O/o.Block Development Officer
Eluvanampatti Panchayat Union
Dindigul District
- 6.The President
Eluvanampatti Village Panchayat
Eluvanampatti Panchayat Union
Dindigul District
- 7.Vasantha
President
Eluvanampatti Village Panchayat
Eluvanampatti Panchayat Union
Dindigul District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the impugned order passed by the 4th respondent in his proceedings Na.Ka.No.6840/2021/Oo.Va.9, dated 26.08.2021 and quash the same as illegal.



For Petitioner : Mr.M.Mohamed Rafi
for M/s.Ajmal Associates

For Respondents : Mr.M.Ramesh
Government Advocate for R1 to R6

WEB COPY

O R D E R

The order of suspension, dated 26.08.2021, passed by the fourth respondent, placing the petitioner under suspension on the ground of misappropriation of Panchayat Union's fund amounting to Rs.20,65,580/-, is under challenge in this writ petition.

2. The petitioner was holding the post of Panchayat Secretary at Eluvanampatti Panchayat. The said misappropriated amount has not been furnished for audit and during inspection, the misappropriation was identified.

3. The learned counsel for the petitioner states that the President of the Village Panchayat has deposited the amount and the petitioner has also lodged a complaint against the Panchayat President for initiation of action.

4. This Court is of the considered opinion that the petitioner is the Panchayat Secretary. However, the President of the Panchayat admitted the misappropriation and paid the amount is the contention of the petitioner. All these defence of the petitioner are to be considered during the course of enquiry. High Court cannot conduct an enquiry in respect of such disputed facts in a writ proceedings. The petitioner is entitled to defend his case during the course of enquiry. Now, the present writ petition has been filed challenging the order of suspension. When a large scale of misappropriation of Panchayat Union's fund is identified, certainly an enquiry is to be conducted. The entire functioning and the other irregularities and illegalities with reference to the activities are to be enquired into and all appropriate actions are to be initiated. The Authorities Competent are bound to conduct a detailed enquiry into the allegation of misappropriation of the public funds and initiate appropriate actions.

5. The learned Government Advocate appearing for the respondents 1 to 6 made a submission that huge amounts are misappropriated and the large scale involvement, collusion and other aspects are to be enquired by the Competent Authority.

6. In view of the above facts and circumstances, the respondents are bound to proceed with the departmental disciplinary proceedings without causing any undue delay and conclude the same as expeditiously as possible. The petitioner is also bound to



cooperate for the early disposal of the disciplinary proceedings by availing the opportunity to be provided to defend his case. In this regard, the respondents are directed to frame charges based on the materials available and proceed with the disciplinary enquiry and conclude the same as expeditiously as possible.

WEB COPY

7. In view of the fact that the allegation against the petitioner is with regard to misappropriation of huge funds in a small Village Panchayat, this Court is of the considered opinion that allowing the petitioner to continue in the same post would cause prejudice to the interest of the public administration and there is a likelihood of tampering of records and evidence as the petitioner is the Panchayat Secretary. In such circumstances, this Court is not inclined to consider the relief as such sought for in this writ petition.

8. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

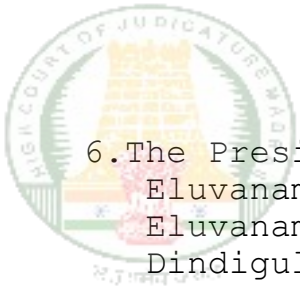
/ /2022

Sub Assistant Registrar(CS)

krk

To:

- 1.The Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai-9.
- 2.The Director of Rural Development and Panchayat Raj,
Directorate of Rural Development and Panchayat Raj,
Panagal Building, Chennai-600 015.
- 3.The District Collector,
Dindigul District, Dindigul.
- 4.The Personal Assistant to District Collector (Development),
O/o.the Collector Office Campus,
Dindigul District, Dindigul.
- 5.The Block Development Officer (Village Panchayat),
O/o.Block Development Officer,
Eluvanampatti Panchayat Union,
Dindigul District.



6.The President,
Eluvanampatti Village Panchayat,
Eluvanampatti Panchayat Union,
Dindigul District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-18468[F] dated
13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18593[F] dated 13/04/2022)

W.P. (MD) No.16799 of 2021

and

W.M.P. (MD) Nos.13681 & 13683 of 2021

12.04.2022

RK(22/04/2022) 4P 9C