



WEB COPY



W.P.No.17738 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.17738 of 2013
and M.P.Nos.1 & 2 of 2013

M.Basuvaraj

...Petitioner

-Vs-

1. The District Collector,
Erode District,
Erode.

2. The Block Development Officer (V.P.),
Panchayat Union Office,
Sathyamangalam Taluk,
Erode District.

3. The Deputy Block Development
Officer (MGNREGS),
Panchayat Union Office,
Sathyamangalam Taluk,
Erode District,
Erode.

4. The Project Officer,
Collectorate,
Erode District.

5. The President,
Panchayat Board,
Kuthiyalathur Panchayat,
Sathyamangalam Taluk,
Erode District.

... Respondents



W.P.No.17738 of 2013

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 19.06.2013, bearing Na.Ka.No.17939/2013/BE2 by the first respondent and also the consequential order dated 24.06.2013 bearing Na.Ka.No.1790/2013/A2, passed by the second respondent herein and quash the same and consequently direct the respondents herein to permit the petitioner to perform his functions as Secretary to Panchayat Board, Kuthiyalathur Panchayat.

For Petitioner : Mr.V.P.K.Gowtham
For Respondents
For R1 to R3 : Mr.V.Veluchamy
Additional Government Pleader

For R4 : No appearance

ORDER

This writ petition has been filed challenging the order of suspension order passed by the second respondent dated 24.06.2013, bearing Na.Ka.No.1790/2013/A2, in pursuant to the directions issued by the first respondent by an order dated 19.06.2013, bearing Na.Ka.No.17939/2013/BE2, thereby suspended the petitioner from his service of Secretary to Panchayat Board, Kuthiyalathur Panchayat.



W.P.No.17738 of 2013

WEB COPY

2. The petitioner was working as Secretary of the Panchayat Board, Kuthiyalathur Panchayat and on 31.05.2013, the fourth respondent conducted inspection and found that there was misappropriation of funds to the tune of Rs.22,675/- from 01.06.2012 to 02.05.2013 by collecting the daily wages signing the attendance register without coming to the work. Therefore, the petitioner was issued with show case notice thereafter he was suspended from his service of Secretary to Panchayat Board, Kuthiyalathur Panchayat. Aggrieved by the same, the petitioner filed this present writ petition.

3. Heard the learned counsel appearing on either side and perused the material placed before this Court.

4. Though the petitioner raised specific ground that the second respondent has no jurisdiction to suspend the petitioner from the post of Secretary to Panchayat, on perusal of the counter affidavit filed by the second respondent revealed that during the enquiry, it was proved that the daily wage amount was misappropriated and illegally paid to one



W.P.No.17738 of 2013

Rajkumar by getting signature in attendance register without attending the work by one R.Samuel, who was in-charge of the work facilitator at Arigiam cluster work in Guthiyalathur Panchayat. The said R.Samuel, work facilitator, was suspended and ordered to recover the said amount from him. The said Samuel has accepted his guilt and paid a sum of Rs.22,675/- which was misappropriated and illegally paid to one Rajkumar.

5. Further the allegation as against the petitioner is that the occurrence was made by carelessness and implementation of the scheme. He has failed to watch the misappropriation of wage amount paid to the said Rajkumar without attending the work. Therefore, the petitioner was called upon explanation in which, he filed an affidavit stating that the said Samuel, work facilitator, had acted independently without his knowledge. Therefore, only due to the negligence on the part of the petitioner, the misappropriation was happened as such, the first respondent directed the fifth respondent to suspend the petitioner from service. However, he was not suspended as such the first respondent directed the second respondent to suspend the petitioner and report.



W.P.No.17738 of 2013

6. While at the time of admitting the writ petition, this Court by an order dated 02.07.2013, granted an interim order of stay of the orders passed by the respondents 1 & 2 herein. In view of the interim order, the petitioner is continuing his service as Secretary to Kuthiyalathur Panchayat. Thereafter, no disciplinary proceeding has been initiated as against the petitioner. Therefore, this Court feels that the suspension order is liable to be quashed.

7. Accordingly, the suspension order dated 24.06.2013, passed by the second respondent bearing Na.Ka.No.1790/2013/A2, in pursuant to the directions issued by the first respondent by an order dated 19.06.2013, bearing Na.Ka.No.17939/2013/BE2, is hereby quashed and the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

01.08.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



W.P.No.17738 of 2013

G.K.ILANTHIRAIYAN. J.

rts

To

1. The District Collector,
Erode District,
Erode.
2. The Block Development Officer (V.P.),
Panchayat Union Office,
Sathyamangalam Taluk,
Erode District.
3. The Deputy Block Development
Officer (MGNREGS),
Panchayat Union Office,
Sathyamangalam Taluk,
Erode District,
Erode.
4. The Project Officer,
Collectorate,
Erode District.
5. The President,
Panchayat Board,
Kuthiyalathur Panchayat,
Sathyamangalam Taluk,
Erode District.

W.P.No.17738 of 2013
and M.P.Nos.1 & 2 of 2013

01.08.2023