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W.P. No.17098 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.06.2023

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THE HON'BLE MR.JUSTICE **M.S.RAMESH**

W.P. No.17098 of 2023 and
W.M.P. Nos.16265 and 16266 of 2023

S.Rajamanickam

.. Petitioner

Vs

1.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai 600 015.

2.The District Collector,
Tiruppur District,
Tiruppur.

.. 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 of the second respondent dated 20.06.2022 bearing ந.க.எண்.4079.2020.வில and quash the same.

For Petitioner : Mr.T.Hemalatha

For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER



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The writ petition has been filed, challenging the Charge Memo bearing ந.க.எண்.4079/2020/வி1 dated 20.06.2022 issued by the second respondent.

2.The petitioner, who was former Block Development Officer (VP), retired from service on 30.06.2018. After his retirement, the present impugned Charge Memo dated 20.06.2022 has been levelled against the petitioner on charges that he had failed to follow the rules while releasing funds to beneficiaries under PMAY(G) Scheme for the year 2016-17 and 2017-18 in Pongalur Panchayat Union, Tiruppur District.

3.The petitioner challenges the Charge Memo, predominantly on the ground that the charges have been levelled belatedly after four years. Under Rule 9(2)(a)(i) of the Tamil Nadu Pension Rules, the departmental proceedings can be initiated against the retired employee after obtaining prior sanction from the Government.

4.In the instant case, the first respondent had granted sanction for



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conducting departmental proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules by the District Collector.

5.The petitioner had retired on 30.06.2018 and the charges relate to certain misconducts of the year 2016-17 and 2017-18. The four years of delay requires to be explained by the respondents during the course of an enquiry and only in case, it is found to be un-explained delay, will the petitioner be entitled, seek protection under this ground.

6.In other words, whether there was any justification on the part of the respondents in framing charges after four years, require to be established during the course of the enquiry and this Court, exercising its power under Article 226 of the Constitution of India, may not be justified in interfering with the charges at this stage.

7.Thus, the ground raised by the petitioner does not require consideration.



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M.S.RAMESH,J.

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8.In the result, the writ petition stands dismissed. The second respondent herein is called upon to complete the enquiry proceedings as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this order. Consequently, W.M.P. Nos.16265 and 16266 of 2023 stand closed. No costs.

09.06.2023

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To

1.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai 600 015.

2.The District Collector,
Tiruppur District,
Tiruppur.

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