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W.P.No.24668 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

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

**W.P.No.24668 of 2023**  
**and W.M.P.Nos.24108 and 24110 of 2023**

M.Prabhu

... Petitioner

-Vs-

1. The District Collector,  
Vellore District.
2. The Assistant Director (Panchayat),  
Rural Development and Panchayat Raj Department,  
Vellore District.
3. The Block Development Officer (Village Panchayat),  
Katpadi Block, Vellore District.
4. The President,  
Sevoor Village Panchayat,  
Katpadi Block, Vellore District.

5. Mr.S.Meganathan

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.Aaa2/1522/2017 dated 02.07.2021 passed by the third respondent and to quash and



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consequently direct the respondents to reinstate the petitioner with continuity of service with all other attendant monetary benefits.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents :

R1 and R2 : Mr.M.Alagu Goutham  
Government Advocate

R3 and R4 : Mr.S.P.Karthick  
Government Advocate

### **ORDER**

This Writ Petition has been filed challenging the order of suspension dated 02.07.2021, thereby suspended the petitioner from his service.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 to 4 and perused the materials available on record.

3. The petitioner was initially appointment as Part Time Clerk in the Kuppathamottur Panchayat Katpadi (TK), on 01.04.1997. Thereafter, he was appointed as Panchayat Secretary in Kuppathamottur Panchayat Katpadi (TK) on 18.04.2005. Again he was transferred to Bramapuram Panchayat Katpadi and then finally transferred to Sevoor Panchayat



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Katpaadi from 01.06.2018. However, he was suspended from service on 02.07.2021 on the charge of misappropriation in the funds of the Panchayat in the year 2020-2021. In pursuant to the order of suspension, he was served with a charge memo dated 12.08.2021. The petitioner was issued show cause notice and he also submitted explanation. Without being satisfied with the explanation submitted by the petitioner, domestic enquiry was ordered and the fifth respondent appointed a Domestic Enquiry Officer. Even after completion of enquiry, no final order has been passed. Therefore, the petitioner challenged the order of suspension, on the ground that he was not paid 100% subsistence allowance so far.

4. Considering the above facts and circumstances of the case, the third respondent, being a Disciplinary Authority is directed to pass final order, after giving an opportunity to explain on the second show cause notice and on the strength of the report submitted by the fifth respondent, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



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5. In the meanwhile, the petitioner also submitted a representation for his 100% subsistence allowance, since the order of suspension is pending for the past two years. Therefore, the third respondent is also directed to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order.

6. With the above directions, this Writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. No costs.

22.08.2023

Internet : Yes  
Index : Yes/No  
Speaking order/Non-speaking order  
mn/nsl



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**G.K.ILANTHIRAIYAN, J.**

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