



W.P. No. 33300 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33300 of 2023

and

W.M.P. No. 33040 of 2023

S.Abirami

... Petitioner

-VS-

1. The District Collector,
Kancheepuram,
Collectorate,
Kancheepuram – 631 501.
2. The Personal Assistant (Development) to the Collector,
District Collector Office, Kanchipuram,
First Floor, Collectorate,
Kancheepuram – 631 501.
3. The Assistant Director (Panchayat),
District Rural Development Agency
Department Office Assistant Director,
Kancheepuram District.
4. The Block Development Officer,
Village Panchayat,
Kancheepuram Panchayat Union,
Sirukaveripakkam,
Kancheepuram – 631 502.
5. The Chairman (Union President),
Kancheepuram Panchayat Union,
Sirukaveripakkam,
Kancheepuram – 631 502.



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6. The President,
Sirukaveripakkam Village Panchayat,
Kancheepuram Panchayat Union,
Sirukaveripakkam,
Kancheepuram – 631 502.

7. M.Giriraj

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing to initiate disciplinary action by the First and Second Respondents as against the Seventh Respondent as per the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, based on the complaint dated 15.06.2023 and consequentially suspend the Seventh Respondent from the post of Village Panchayat Secretary, Sirukaveripakkam.

For Petitioner : Mr. K.M.Mirthunjayan

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 to R6)

ORDER

Heard Mr. K.M.Mirthunjayan, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the First to Sixth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ



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Petition, which would not cause any prejudice to the Seventh Respondent, notice to him is dispensed with.

3. The Petitioner is the Vice President of Sirukaveripakkam Village Panchayat and the Seventh Respondent is the Secretary of the said Panchayat. The grievance ventilated by the Petitioner is that she had lodged complaints regarding certain irregularities committed by the Seventh Respondent in her letter dated 13.06.2023 to the Fourth Respondent, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

4. It is not in dispute that as per Rule 16 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2023, the Block Development Officer (Village Panchayat) is the disciplinary authority for the Village Panchayat Secretary.

5. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the Fourth Respondent shall immediately examine the representation dated 13.06.2023 made by the Petitioner;



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(ii) if it is found that any other details or supporting documents is necessary,

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the deficiencies in that regard shall be informed in writing to the

Petitioner requiring the same to be furnished within a time frame of not

less than 10 days for the same;

(iii) in the event of not being satisfied with the requirements even thereafter,

an enquiry shall be conducted affording full opportunity of personal

hearing to all parties concerned including the Petitioner and Seventh

Respondent to explain their respective positions in that regard;

(iv) a reasoned order shall be passed dealing with each of the contentions

raised on merits and in accordance with law and the decision taken

communicated by 31.03.2024 to the concerned parties under written

acknowledgment, and the report of such compliance shall be filed before

the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.01.2024.

vjt



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To

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Kancheepuram – 631 502.
5. The Chairman (Union President),
Kancheepuram Panchayat Union,
Sirukaveripakkam,
Kancheepuram – 631 502.
6. The President,
Sirukaveripakkam Village Panchayat,
Kancheepuram Panchayat Union,
Sirukaveripakkam,
Kancheepuram – 631 502.



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P.D. AUDIKESAVALU, J.

vjt

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. S.Abirami,
Vice-President,
Sirukaveripakkam Village Panchayat,
Kancheepuram Union,
Sirukaveripakkam,
Kancheepuram – 631502.
3. M.Giriraj,
Panchayat Secretary,
Sirukaveripakkam Village Panchayat,
Kancheepuram Panchayat Union,
Sirukaveripakkam,
Kancheepuram – 631502.

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