



W.P.(MD)No.824 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.824 of 2023

and

W.M.P(MD)Nos.799 & 802 of 2023

Esakkimuthu

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Block Development Officer,
Sankarankovil Panchayat Union,
Sankarankovil,
Tenkasi.

3.The President,
Panaiyur Village Panchayat,
Sankarankovil Panchayat Union,
Sankarankovil,
Tenkasi.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned dismissal order passed by the third respondent,



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dated 31.05.2022 and quash the same as illegal and consequently to direct the third respondent to reinstate the petitioner in service as a drinking water tank opener at Panaiyur Village Panchayat.

For Petitioner	: Mr.K.P.Sankarakumarakuruparan
For R-1 & R-2	: Mr.K.Christy Theboral, Additional Government Pleader
For R2	: Mr.J.K.Jayaseelan, Government Advocate

ORDER

This writ petition has been filed to quash the impugned dismissal order passed by the third respondent, dated 31.05.2022, as illegal and consequently, to direct the third respondent to reinstate the petitioner in service as a drinking water tank opener at Panaiyur Village Panchayat.

2. The case of the petitioner is that he is working as Over Head Tank Operator in the year 2011, in Panaiyur Village and he rendered unblemished service for the past eleven years. The petitioner has been receiving a sum of Rs.4,000/- as monthly salary. While being so, during the panchayat election, the petitioner's mother namely



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Dharmaboopathiyammal, participated in the panchayat election and canvassed against the Panchayat President. In view of the same, the present President, made imaginary allegations against the petitioner and thereby, issued a show-cause notice against the petitioner and thereafter, without giving opportunity to the petitioner, passed the impugned order of dismissal.

3. The learned counsel appearing for the petitioner would submit that for taking disciplinary action against the employees of the panchayat, there was a procedure contemplated in G.O.Ms.No.175, Rural Development and Panchayat Raj (E-5) Department, dated 05.12.2006. As per Clause – 5 of the said G.O., the Executive Authority has to issue a definite charge memo against the erred employee and thereafter, proceed with the enquiry and pass appropriate orders. However, without following the procedure, mechanically, the third respondent has passed the impugned order and hence, prayed for allowing of this writ petition.



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4. Per contra, the learned Government Advocate appearing for the third respondent would fairly submit that the impugned order is passed without following the procedure and therefore, the impugned order may be set aside and the matter may be remanded back to the third respondent for fresh consideration.

5. In view of the above, as the impugned order is passed without following the procedure contemplated under G.O.Ms.No.175, Rural Development and Panchayat Raj (E-5) Department, dated 05.12.2006, this Court is inclined to set aside the impugned order.

6. Accordingly, this writ petition is allowed and the impugned order of the third respondent, dated 31.05.2022, is set aside and the matter is remanded back to the third respondent for considering the matter afresh. The third respondent is directed to issue a show-cause notice to the petitioner within a period of two weeks from the date of receipt of a copy of this order and if any show-cause notice is issued, the petitioner is directed to give explanation within a period of two weeks



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thereafter and after receipt of such explanation and after conducting enquiry, the third respondent shall pass appropriate orders in accordance with law, within a period of six weeks thereafter. No Costs. Consequently, connected miscellaneous petitions are closed.

12.01.2023

PM

NCC:Yes/No

Index:Yes/No

To

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Tenkasi.
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- 3.The President,
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M.DHANDAPANI,J.

pm

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