



W.P(MD)No.22817 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22817 of 2023

V.Murugaiah

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Block Development Officer,
Vasuthevanallur Panchayat Union,
Tenkasi District.

3.The Panchayat President,
Sangupuram Panchayat,
Vasuthevanallur Union,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to revoke the order of suspension passed by the third respondent vide his proceedings in Na.Ka.No.01/2021, dated 16.11.2021 in the light of the judgment passed by the Hon'ble Apex Court in Ajaykumar Chowdhary Vs.



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Union of India as well as Government Letter, dated 23.07.2015 based on the petitioner's representation, dated 26.04.2023 and 23.08.2023 in person.

For Petitioner : Mr.K.Sankar

For R-1 & R-2 : Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition has been filed by a Panchayat Secretary challenging the order of suspension, dated 16.11.2021 on the ground it is prolonged for the past two years.

2. The learned Counsel appearing for the petitioner further submitted that the Panchayat President has no jurisdiction whatsoever to pass an order of suspension and only the P.A to District Collector has got jurisdiction.

3. Per contra, the learned Additional Government Pleader appearing for the respondents 1 and 2 pointed out that the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rule, 2013 has been stayed by this Court



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and therefore, Panchayat President continues to be the appointing authority, who has got powers to suspend the writ petitioner.

4. Considering the fact that the petitioner was arrested in a trap case, it is for the third respondent to consider the request of the petitioner for revocation of the order of suspension.

5. In case if any representation is made by the writ petitioner for revocation of suspension, the third respondent is directed to consider the same on merits and in accordance with law and pass orders, within a period of eight (8) weeks from the date of receipt of such representation.

6. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

03.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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R.VIJAYAKUMAR, J.

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