



W.P.(MD)No.7363 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 7363 of 2016

and

W.M.P(MD)No.6189 & 6190 of 2016

T.Sekar

... Petitioner

Vs.

1. The District Collector cum Inspector of Panchayat,
Theni District, Theni.
2. The Assistant Director (Audit),
Theni District, Theni.
3. The President,
Angoorpalayam village panchayat,
Cumbum Taluk, Theni District.
4. The Secretary,
Angoorpalayam village panchayat,
Cumbum Taluk, Theni District.
5. The President,
Surulipatti Village Panchayat,
Cumbum Taluk, Theni District.



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6. The Secretary,
Suruilipatti village panchayat,
Cumbum Taluk, Theni District.
7. The President,
Narayanathevanpatti Village Panchayat,
Cumbum Taluk, Theni District.
8. The Secretary,
Narayanathevanpatti Village Panchayat,
Cumbum Taluk, Theni District.
9. The President,
Kullappagoundanpatti Village Panchayat,
Cumbum Taluk, Theni District.
10. The Secretary,
Kullappagoundanpatti Village Panchayat,
Cumbum Taluk, Theni District.
11. The President,
Karunakkamuthanpatti Village Panchayat,
Cumbum Taluk, Theni District.
12. The Secretary,
Karunakkamuthanpatti Village Panchayat,
Cumbum Taluk, Theni District.
13. The Secretary to Government
Rural Development and Panchayat Raj Department
Chennai

... Respondents

[R-13 is impleaded Suo motu by Order of this Court, dated 15.06.2023]



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, to call for the records pertaining to impugned order passed by the 1st respondent in Na.Ka.No. 2473/2016/Voo Va2 dated 26.02.2016 and quash the same.

For Petitioner : Mr. J.Balameenakshi

For Respondents : Mr. P.Thambidurai
Government Advocate

ORDER

This writ petition is filed to quash the charge memo, dated 26.02.2016.

2. Heard Mr.J.Balameenakshi, learned counsel appearing for the petitioner and Mr.P.Thambidurai, learned Government Advocate appearing for the respondents. Perused the material documents placed on record.

3. In the audit report, it has been pointed out that the petitioner has committed some omissions and commissions. The contention of the petitioner is that the omissions and commissions cannot be fasten on petitioner alone. It has to



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be against all the erring officials including the President and Secretary of the said Village Panchayat. The Inspector of Panchayat is also liable, because he has not properly exercised the supervisory power.

4. The claim of the petitioner ought to be considered. But it is seen the petitioner has challenged the charge memo, it is settled principle that the charge memo cannot be challenged. The petitioner has not raised any legally sustainable grounds to quash the charge memo. At this stage, the charge memo cannot be quashed. Therefore, this Court is not inclined to entertain this writ petition.

5. Accordingly, this Court is passing the following order:

- (i). The petitioner is directed to submit an explanation to the charge memo, then the respondents shall conduct proper and fair enquiry, after giving sufficient opportunity to the petitioner, thereafter, pass an order in accordance with law.
- (ii) After completion of enquiry proceedings, if the petitioner is entitled for promotion, the same shall be considered, as per law.



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(iii). Since the petitioner has raised allegations against the President and Secretary of the said Village Panchayat, the respondents are directed to conduct enquiry for the allegation against the President and the Secretary and all other authorities, who have committed error, which was pointed out in the audit report.

(iv) The Secretary to Government, Rural Development and Panchayat Raj Department, Chennai, is directed to conduct the enquiry, within a period of three months from the date of receipt of a copy of the order.

6. With these directions and observations, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
ksa

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5. The President,
Surulipatti Village Panchayat,
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6. The Secretary,
Surulipatti village panchayat,
Cumbum Taluk, Theni District.
7. The President,
Narayanathevanpatti Village Panchayat,
Cumbum Taluk, Theni District.
8. The Secretary,
Narayanathevanpatti Village Panchayat,
Cumbum Taluk, Theni District.



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9. The President,
Kullappagoundanpatti Village Panchayat,
Cumbum Taluk, Theni District.
10. The Secretary,
Kullappagoundanpatti Village Panchayat,
Cumbum Taluk, Theni District.
11. The President,
Karunakkamuthanpatti Village Panchayat,
Cumbum Taluk, Theni District.
12. The Secretary,
Karunakkamuthanpatti Village Panchayat,
Cumbum Taluk, Theni District.
13. The District Rural Development Agency,
Theni District.



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 7363 of 2016**

15.06.2023