



W.P.(MD)No.29251 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.29251 of 2022
W.M.P(MD).No.23208 of 2022

A.Marimuthupandian

... Petitioner

Vs.

1.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai-600 015.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Block Development Officer (VP)
Thiruchuli Panchayat Union,
Thiruchuli,
Virudhunagar District.

... 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 pertaining to the impugned order passed by the second respondent vide



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proceedings in Roc.No.R1/41240/2021 dated 25.11.2022 and quash the same as arbitrary and illegal and consequently direct the second respondent to reinstate the petitioner in the post of Assistant held in the office of the third respondent immediately within a time frame fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order passed by the second respondent vide proceedings in Roc.No.R1/41240/2021 dated 25.11.2022, quash the same as arbitrary and illegal and direct the second respondent to reinstate the petitioner in the post of Assistant in the office of the third respondent immediately within a time frame fixed by this Court.

2. The case of the petitioner is that the petitioner was appointed as Assistant in the first respondent Department and he was transferred to



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Thiruchuli Panchayat Union which is coming under the control of the third respondent. When the petitioner has gone to take charge in the third respondent Office, the third respondent and one Hema, who is working as Deputy Block Development Officer (Planning), had refused to give the Attendance Register to the petitioner and prevented him from signing the said Register on 16.11.2021. Thereafter, on the next day, the petitioner has gone to the third respondent Office and requested to give the Attendance Register. Again they have refused to give the Attendance Register, due to which, there was a wordy quarrel between the petitioner and the third respondent and the said Hema. Subsequently, the petitioner has reported the said incident to the first respondent. However, instead of taking action against the third respondent and the said Hema, the first respondent has issued a notice on 30.12.2021, directing the Regional Officer/Assistant Director (Audit), Thiruchuli Panchayat Union, to conduct enquiry with regard to the allegations levelled against the petitioner by the said Hema and the third respondent. Thereafter, the enquiry was conducted and the enquiry report did not reveal any allegation made against the petitioner. However, on 25.11.2022, the



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impugned suspension order has been issued by the second respondent, suspending the petitioner from service. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though there was a wordy quarrel between the petitioner and the third respondent and the said Hema, instead of taking action against them, the first respondent has taken action against the petitioner which is not sustainable. The enquiry report did not reveal any allegation made against the petitioner. In the absence of any evidence, the impugned order issued by the second respondent suspending the petitioner from service is not sustainable. Hence, it is liable to be quashed.

4. The learned Special Government Pleader appearing for the respondents would submit that the Enquiry Officer has conducted a detailed enquiry and submitted a preliminary report which reveals that the petitioner has acted in high handed manner. Based on the preliminary report and the complaint made by the majority staffs, the suspension



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order was issued by the second respondent. There is no irregularity or illegality on the part of the second respondent.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was transferred from Aruppukottai Panchayat Union to Thiruchuli Panchayat Union. When he has gone to join the duty in the third respondent Office, there was a wordy quarrel between the petitioner and the third respondent and the Deputy Block Development Officer, for which, the enquiry was conducted by appointing the Assistant Director (Audit). The Assistant Director (Audit) submitted a preliminary report which states that the petitioner has acted in high handed manner. Therefore, the petitioner was placed under suspension vide impugned order dated 25.11.2022 and the charge memo was issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 vide order dated 18.01.2023 by the District Collector,



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Virudhunagar. Hence, unless it is proved that the charge memo and the suspension order have been issued by the Disciplinary Authority with *mala fide* intention, this Court has no reason to interfere with the decision of the Disciplinary Authority and this Court is not satisfied with the grounds raised by the petitioner in the present writ petition.

7. Hence, rendering any opinion on the merits of the case will adversely affect the interest of the petitioner. Therefore, this Court, without interfering with the impugned order issued by the second respondent, directs the respondents to conclude the disciplinary proceedings initiated as against the petitioner within a period of three months from the date of receipt of a copy of this order. However, liberty is granted to the petitioner to make a representation to the respondents for revocation of the suspension order. If any such representation is made by the petitioner, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law.



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8. Accordingly, this Writ Petition is dismissed. No costs.

Connected miscellaneous petition is closed.

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NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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M.DHANDAPANI,J.

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