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W.P.No.103 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.103 of 2022
and WMP.No.98 of 2022

G. Santhiyappan

... Petitioner

-Vs-

1. The District Collector,
Office of the District Collector,
Dharmapuri,
Dharmapuri District 636 705.
2. The Additional Director to the Panchayat,
Office of the Additional Director to the Panchayat,
District Collector Office Campus,
Dharmapuri,
Dharmapuri District 636 705.
3. The Block Development Officer,
Office of the Block Development Officer,
Kadathur Panchayat Union,
Kadathur,
Dharmapuri District 635 303.
4. The Village Panchayat President
Sillarahalli Village Panchayat Office,
Sillarahalli Village and Post,
Pappireddipatti Taluk,
Dharmapuri District 635 303.

... Respondents



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Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 4th respondent namely the Sillarahalli Village Panchayat President culminating in his proceedings dated 13.09.2021 and quash the same regarding suspension of the petitioner and to direct the 3rd respondent to reinstate the petitioner in same work.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : Mr.P. Ganesan
Government Advocate for R1 to R4

ORDER

This writ petition is filed for issuance of Writ of Certiorarified Mandamus calling for the records of the 4th respondent namely the Sillarahalli Village Panchayat President culminating in his proceedings dated 13.09.2021 and quash the same regarding suspension of the petitioner and to direct the 3rd respondent to reinstate the petitioner in the same work. .

2. The learned counsel for the petitioner submitted that the petitioner was appointed as an Over Head Tank Operator by NMR proceedings of Sillarahalli Panchayat Board in the year 2012 and he was continuously working. While so, he received a suspension order dated 13.09.2021 from Sillarahalli Village Panchayat President citing some irregularities. The learned



counsel pointed out to the memorandum of the District Collector dated 20.02.2020 and submitted that already a circular has been issued stating that it is only the District Collector who is the appropriate authority to initiate Disciplinary Proceedings against all the employees of the Panchayat. Even if the President has to initiate Disciplinary Proceedings, the same can only be with prior approval from the Collector. No such approval has been taken in the said case, neither the order was passed by the District Collector.

3. The learned Additional Government Pleader submitted that the suspension order was passed because erroneous entries were made in the SR book, therefore the suspension order is justified.

4. Heard both sides and perused the materials available on record.

5. The suspension order was passed as early as in the year 2021. Firstly it can be seen that it is only the District Collector who is entitled to place the petitioner under suspension. Even if the President has to initiate any Disciplinary Proceedings against the employees he has to take the prior approval from the District Collector before placing the employee under



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suspension. Therefore, when an impugned order was passed without jurisdiction the same has to be set aside.

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6. In view thereof, this writ petition is allowed on the following terms.

(i) Suspension order dated 13.09.2021 passed by the 4th respondent shall stand quashed.

(ii) The respondents shall reinstate the petitioner into service.

(iii) This order shall not preclude the 1st respondent the appropriate authority from considering the case of the petitioner and in initiating appropriate Disciplinary Proceedings in accordance with law, if any, if he chooses to. No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes/No

Speaking order/Non-speaking order

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D. BHARATHA CHAKRAVARTHY, J.

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