



WEB COPY



W.P.No.1695 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1695 of 2024 and
WMP.Nos.1739 & 1740 of 2024

N.Kangaraj

... Petitioner

Vs.

1.The District Collector,
Erode,
Erode District
2.The President,
Kothamangalam Panchayat,
Bhavanisagar Taluk,
Erode District

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the entire records relating to the order dated 06.11.2012 passed by the first respondent in Na.Ka.No.38539/2012/Pa E2 and quash the same and consequentially directing the respondents to reinstate the petitioner service with continuity of services and backwages.



W.P.No.1695 of 2024

For Petitioner : Mr.J.Titus Enock

For Respondents

For R1 : Dr.T.Seenivasan,
Special Government Pleader

For R2 : Mr.P.Ganesan,
Government Advocate

ORDER

The writ petition has been filed challenging the order of suspension dated 06.11.2012 passed by the first respondent.

2. The petitioner while he was working as Panchayat Secretary under the second respondent, he was suspended from service on the allegation that he had misappropriated panchayat fund. The only contention raised by the petitioner is that even for past 12 years from the date of his order of suspension, no charge memo has been issued and no disciplinary proceedings has been initiated against him.

3. On instruction, the learned counsel for the respondents submitted that in the above criminal case for misappropriation of panchayat fund, a criminal complaint was lodged and the same was registered in crime No.55 of 2012 for the offence under Sections 468,



W.P.No.1695 of 2024

471, 409 and 420 of IPC. After completion of investigation, the investigation officer filed final report and the same has been taken cognizance in CC.No.207 of 2019 on the file of the Judicial Magistrate-II, Erode and it is pending for trial. Only because of the absence of the petitioner, the entire trial has been stalled and now NBW has been issued as against the petitioner. It is pending for execution.

4. Therefore, suppressing those facts, the petitioner filed this writ petition challenging the order of suspension. When the NBW is pending as against the petitioner, the petitioner is not entitled for any relief. That apart, he is facing criminal prosecution. Therefore, this writ petition is devoid of merits and liable to be dismissed.

5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

30.01.2024

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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W.P.No.1695 of 2024

G.K.ILANTHIRAIYAN, J.

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To

- 1.The District Collector,
Erode,
Erode District
- 2.The President,
Kothamangalam Panchayat,
Bhavanisagar Taluk,
Erode District

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