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W.P.No.27752 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

W.P.No.27752 of 2015

1. S.B. Kamalakannan (Deceased)
2. K.Kandhaveni
(P2 Substituted as the Legal Heir of the deceased P1)
...Petitioners

vs.

1. Government of Tamil Nadu
Represented by the Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai – 600 009.

2. The Director of Rural Development,
Chennai - 600 005

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the 1st respondent herein to consider my representation dated 10.02.2015 and pass orders on merits with regard to the withdrawal of punishment of cut in pension imposed against me in G.O.(D) No.354 dated 28.06.2006 and G.O.(D) No.640 dated 01.11.2006 Rural Development and Panchayat Raj Department, by extending the benefits of G.O.(D).No.708 and 709 Rural Development Department dated 03.08.2004 issued in favour of similarly



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situated person Mr.M.Nanjundan, to the petitioner and to grant all consequential monetary benefits payable to the petitioner within a reasonable time as fixed by this Hon'ble Court.

For Petitioners : Mr.R. Thamaraiselvan

For Respondents : Mrs.C. Sangamithirai

Special Government Pleader

ORDER

The petitioner who was placed under suspension on 30.12.1996 for which this writ application is filed to consider his representation dated 10.02.2015 and pass orders on merits with regard to the withdrawal of punishment of cut in pension imposed on him in G.O.(D).No.354 dated 28.06.2006 and G.O.(D).No.640 dated 01.11.2006 Rural Development and Panchayat Raj Department, by extending the benefits of G.O.(D).No.708 and 709 Rural Development Department dated 03.08.2004 issued in favour of similarly situated person Mr.M.Nanjundan, to the petitioner and to grant all consequential monetary benefits payable to the petitioner.

2. Due to the death of the petitioner, his wife Mrs.K.Kandhaveni is brought on record.



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3. The petitioner was officiating as Extension Officer at Hosur Panchayat Union in the erstwhile composite of Dharmapuri District. He was to retire from service on 31.12.1996 A.N. He was placed under suspension in and by G.O.(2D) No.1641 Rural Development Department, dated 30.12.1996 and thereafter, by another order in G.O.(2D).No.167, Rural Development dated 30.12.1996. The disciplinary proceedings were initiated against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and charges were framed in respect of certain irregularities in the discharge of his official duties as Extension Officer, Hosur Panchayat Union for the period from 19.03.1992 to 07.04.1993, relating to the purchase of pipes and other materials, the maintenance of power pumps. Meanwhile, a detailed explanation was submitted by the petitioner on 06.05.1997.

4. Another charge memo under Rule 17(b) of the Rules in R.C.No.54538/98/VC.III/2 has been issued on 17.12.1998 and charge was framed which relates to alleged loss of Rs.4,700/- to Gudisadhanapalli Panchayat while he was serving as Extension Officer, Hosur Panchayat Union by recommending payment of bill for the contractor for repairing electric motor fixed at the overhead tank of the Panchayat within the



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guarantee period, without verifying the earlier payment of the same motor for repairs.

5. The learned counsel would contend that pursuant to the explanation dated 07.01.1999 denying the charges and pointed out there is inordinate and unexplained delay of six years in initiating the disciplinary proceedings. The learned counsel would further contend that another charge of abetment with the Block Development Officer in placing orders to private contractors in 13 Panchayats in Hosur Union to the unapproved firms was issued in R.C.No.30586/93/VC.II 2 dated 05.03.2002. For which, he submitted his explanation dated 09.04.2002 denying the charges.

6. It appears that Mr.M.Nanjundan, Block Development Officer, Hosur, against whom also disciplinary proceedings were initiated based on the same set of allegations along with petitioner Mr.S.B.Kamalakannan. He filed O.A.No.2198 of 2000 before the Tamil Nadu Administrative Tribunal (herein after referred as 'TAT'). The TAT has allowed his O.A by an Order dated 15.11.2001, quashing the charge memo dated 23.04.1996 and 07.12.1998 issued to Mr.M.Nanjundan on the ground of delay caused in initiating and finalizing the proceedings and



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in view of his prolonged period of suspension for about five years after his retirement and the TAT further directed that he is deemed to have retired from service on 30.04.1996 with all terminal benefits. Pursuant to the order of Hon'ble TAT, the Government issued G.O.(D).Nos.708 and 709 dated 03.08.2004 as regards Mr.M.Nanjundan and hence, this writ for issuance of direction.

7. Heard Mrs.C. Sangamithirai, learned Special Government Pleader for the respondents.

8. The petitioner had given the representation on 10.02.2015 pursuant to the issuance of G.O.(D).Nos. 708 and 709 dated 03.08.2004 in the case of Mr.M.Nanjundan. In view of the above facts and circumstances, this writ petition is allowed and the respondents shall complete the exercise namely Departmental Proceedings initiated against the petitioner and pass orders on merits preferably within a period of three [3] months from the date of receipt of copy of this order.

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Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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R.KALAIMATHI, J.

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To

1. Government of Tamil Nadu
Represented by the Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai – 600 009.
2. The Director of Rural Development,
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