



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.18730 of 2024
and W.M.P.No.20546 of 2024

S.Sankar

... Petitioner

Vs.

The Block Development Officer (Village Panchayat)
O/o. the Block Development Officer,
Senthurai-Taluk, Ariyalur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records relating to the impugned order in Na.Ka.No.AA2/218/2024 dated 16.05.2024 on the file of the respondent and quash the same.

For Petitioner : Mr.K.J.Shiva Arudhra

For Respondent : Mr.Stalin Abhimanyu
Additional Government Pleader



ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent in Na.Ka.No.AA2/218/2024 dated 16.05.2024, suspending the petitioner from service pending disciplinary proceedings.

2.Heard Mr.K.J.Shiva Arudhra, learned counsel appearing on behalf of the petitioner and Mr.Stalin Abhimanyu, learned Standing Counsel appearing on behalf of respondent.

3.The case of the petitioner is that he was appointed as a Panchayat Clerk in the year 2001 and ultimately, he was promoted to the post of Panchayat Secretary. During the year 2021-2023, the petitioner was functioning as a Panchayat Secretary at Ponaparappi Panchayat, Senthurai Block, Ariyalur District. Thereafter, he was transferred. However, some financial irregularities were detected and as a result, through proceedings dated 03.04.2024, the petitioner was relieved from his services.

4. The above proceedings were challenged before this Court in W.P.No.10802 of 2024. This Court interfered with the proceedings dated 03.04.2024 on the ground that the petitioner has been discharged/relieved from



service without any enquiry. This Court also made it clear that it will be left open to the respondent to initiate disciplinary proceedings in accordance with the Rules.

5.Pursuant to the above order, the respondent has straight away issued the impugned order dated 16.05.2024, suspending the petitioner from service pending disciplinary proceedings. The same has been put to challenge in the present writ petition.

6.In the considered view of this Court, the earlier order passed in W.P.No.10802 of 2024, dated 23.04.2024, must have first resulted in reinstatement of the petitioner into service. Thereafter, if the respondent is intending to proceed further with the disciplinary proceedings, such action as per Rules can be taken. Without following this procedure and even without reinstating the petitioner, he has been straight away suspended effective from 16.05.2024. The impugned proceedings dated 16.05.2024 on the face of it is illegal and cannot be sustained.

7.In the light of the above discussion, proceedings of the respondent in



Na.Ka.No.AA2/218/2024 dated 16.05.2024, is hereby quashed. There shall be a direction to the respondent to first act upon the earlier order passed by this Court on 23.04.2024 in W.P.No.10802 of 2024 by passing an appropriate order restoring the petitioner back to service. Immediately thereafter, if the respondent is intending to initiate disciplinary proceedings, it is always left open to the respondent to take such steps in accordance with the Rules. Once the disciplinary proceedings are initiated, the petitioner is expected to co-operate for the completion of the proceedings without adopting any dilatory tactics. If such disciplinary proceedings are to be initiated, it shall be completed within a period of three months.

8.In the result, this writ petition stands allowed with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

13.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



To

The Block Development Officer (Village Panchayat)
O/o. the Block Development Officer,
Senthurai-Taluk, Ariyalur District.



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N. ANAND VENKATESH, J.

SSI

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