



WEB COPY



W.P.No.32879 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.32879 of 2024

and

W.M.P.No.35699 of 2024

R. Saravanan

...Petitioner

Vs

1. The District Collector,
Dharmapuri
Dharmapuri District.

2. The Block Development Officer,
(Village Panchayats)
Dharmapuri – 636 705

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned notice issued by the second respondent in Na.Ka.No.1772/2023/E3 dated 07.06.2024 and quash the same and pass orders.

For Petitioner : Mr. P. Rajendran

For Respondent : Mr. Yogesh Kannadasan
Special Government Pleader



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ORDER

By consent of learned counsel on either side, this writ petition is taken up for final disposal at the stage of admission itself.

2. This petition is filed seeking to issue a Writ of Certiorari to call for the records relating to the impugned notice issued by the second respondent in Na.Ka.No.1772/2023/3 dated 07.06.2024 and quash the same and pass orders.

3. The facts of the case is that the petitioner is a Panchayat Secretary in Nallasenahalli Panchayat Dharmapuri Block, Dharmapuri District. He was appointed on 31.12.1996 and his appointment was approved by the Resolution No.3 passed by the Village Panchayat in the meeting held on 31.12.1996. When this being the case the Block Development Officer(Village Panchayats) Dharmapuri (the second respondent herein) has issued a show cause notice in Na.Ka.No.1722/2023/3 dated 07.06.2024 stating that the District Collector, Dharmapuri (the first respondent herein) has issued a Show



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Cause notice in Na.Ka.No.5895/2022/No.2 dated 20.04.2023,29.05.2023,09.08.2023,04.09.2023 and 06.03.2024 has called for action taken report in respect of the appointment of the petitioner who had crossed the age limit of 28 years at the time of appointment and the Collector/first respondent herein has called for the report on the action taken against the person responsible for the appointment and the petitioner was also sought to submit the explanations regarding his appointment, failing which charges will be framed against the petitioner and proposals would be sent for taking disciplinary action against the petitioner under the Tamil Nadu Civil Services (Discipline and Appeal) Rules for violating Rule 20(i) of the Tamil Nadu Government Servants (Conduct) Rules, 1973. Aggrieved over the same the petitioner has come up with this petition.

4. The learned counsel for the petitioner submitted that if there was any irregularity committed in the appointment of the petitioner, the concerned District Collector at that time ought to have taken against the appointing authority who issued appointment order to the petitioner. Now, after a lapse of more than 28 years the respondents are trying to



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take action against the petitioner with regard to the appointment of the petitioner. He further submitted that the petitioner got appointed by a valid resolution passed by the Village Panchayat and he has not committed any misconduct, because, he has furnished all the documents required for appointing him as a Panchayat Secretary. Hence, prays to allow this petition.

5. The learned Special Government Pleader appearing for the respondents submits that in the impugned order passed by the second respondent on it has been clearly stated that vide order dated 07.11.2023 and 13.03.2024, they have already granted time to the petitioner to submit his explanations, failing which Departmental Action will be initiated against the petitioner. However, if the petitioner did not comply with the said order and did not give any explanations regarding the issue, recommendations will be sent to the first respondent to initiate disciplinary action against the petitioner.



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6. On a perusal of records it is made clear that inspite of the fact that the second respondent has insisted the petitioner to submit his explanations against the allegations levelled against him, he has not turned up and given his explanations.

7. Considering the facts and circumstances of the case, as final chance this Court directs the petitioner to approach the first respondent and submit his explanations and furnish all the relevant documents to substantiate his claim. On receipt of the representation made by the petitioner, the first respondent is directed to conduct an enquiry after affording an opportunity of hearing to the petitioner and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations this writ petition stands disposed of. No order as to costs. Consequently the connected miscellaneous petition is closed.

12.11.2024

Index: Yes/No

Speaking order/Non-speaking order

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V.BHAVANI SUBBAROYAN,J.

smn

To.

1. The District Collector,
Dharmapuri
Dharmapuri District.

2. The Block Development Officer,
(Village Panchayats)
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