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W.P.No.33890 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

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

W.P.No.33890 of 2023
and WMP.Nos.33746, 33747, 33748 & 33750 of 2023

Ulaganathan
Petitioner

...

-Vs-

1. The District Collector
Office of the District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Additional Collector (Development)
Director of Planning,
District Panchayat Development Union,
Tiruvannamalai,
Tiruvannamalai District.
3. The Assistant Director,
Panchayat Development (Panchayat/Cheyyar)
Tiruvannamalai District.
4. The Block Development Officer
Arni Panchayat Union,
Arni Taluk,
Tiruvannamalai District.
5. The President
Vedharajipuram Panchayat
Arni Panchayat Union,
Tiruvannamalai District.



6. The Vice President
Vedharajipuram Panchayat
Arni Panchayat Union,
Tiruvannamalai District.

7. Aurl Devan
Vedharajipuram Panchayat
Arni Panchayat Union,
Tiruvannamalai District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records pertains to impugned order of the 1st respondent dated 21.08.2023 made in Na.Ka.Enn724408/2023/pae2 and quash the same as illegal and further direct the 4th respondent to transfer the petitioner from Vedharajipuram Village to any other Panchayat in Arni Panchayat Union.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.C.Jayaprakash
Government Advocate for R1 to R3

Mr.L.S.M.Hasan Fizal
Additional Government Pleader for R4

ORDER

This writ petition has been filed to call for the entire records pertaining to impugned order of the 1st respondent dated 21.08.2023 made in Na.Ka.Enn724408/2023/pae2 and quash the same as illegal and further direct the 4th respondent to transfer the petitioner from Vedharajipuram Village to any other Panchayat in Arni Panchayat Union.



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2. The learned counsel for the petitioner submitted that the writ petitioner was working as Village Secretary in Vedharajipuram Village, Arni Taluk, Tiruvannamalai district and he was suspended on the ground that upon verification of the accounts it was found that he had misappropriated money. The learned counsel for the petitioner further submitted that only because of personal enmity between the Vice President's husband and the petitioner he has been suspended. The petitioner has not committed any irregularity. No charge memo has been issued till date and he is also not paid subsistence allowance till date. Even the salary prior to the period in which the petitioner was working was not paid to him till date. Hence, he prays this writ petition to be allowed.

3. Per contra, the learned Additional Government Pleader appearing for the 4th respondent produced the records and submitted that by a letter dated 25.07.2023 the petitioner himself has admitted that in the absence of the President and Vice President, he himself had wrongly made their signatures and has withdrawn the amount and has also given the details of the amounts. Therefore, it is a clear case where the petitioner has indulged in misappropriation. As a matter of fact, they have also forwarded a complaint to the jurisdictional police and filing of a criminal case is also under progress. As far as the payment of subsistence allowance is concerned, the same was not



done only because of technical issue. Prior to suspension, the petitioner was unauthorisedly absent and that is why his salary was not paid.

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

5. It can be seen that disciplinary proceedings are contemplated on account of grave charges against the petitioner. The respondents are entitled to place the petitioner under suspension pending the enquiry. It cannot also be stated as a prolong suspension because the petitioner was suspended only on 21.08.2023. The learned Additional Government Pleader appearing for the 4th respondent submitted that after making due enquiry and collecting all the evidence, without any delay charge memo would also be issued. As a matter of fact, since some of the facts has to be investigated in the criminal complaint, the same has already been lodged before the police.

6. In view thereof, I find no ground to interfere in the order of suspension dated 21.08.2023. However, after placing the petitioner under suspension the respondents cannot be silent without paying subsistence allowance. At this juncture, the learned Additional Government Pleader appearing for the 4th respondent submits that within a period of one week from today the arrears of subsistence allowance would be paid to the petitioner and hence forth every month subsistence allowance would be paid in the due date.



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7. Recording the above submission made by the learned Additional Government Pleader appearing for the 4th respondent, the writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are also closed.

03.04.2024

Index : Yes/No
Speaking order/Non-speaking order
dpq

To

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2. The Additional Collector (Development)
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D. BHARATHA CHAKRAVARTHY, J.

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