



W.P.(MD).No.659 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.659 of 2024

Manimuthu

... Petitioner

Vs.

1.The Personal Assistant to Collector (Development),
District Collector Office, Sivagangai,
Sivagangai District.

2.The Block Development Officer (Village Panchayat),
Block Development Office, Kannangudi,
Devakottai Taluk,
Sivagangai District.

3.The President,
Poosalakudi Village Panchayat, Poosalakudi
Kannangudi Panchayat Union,
Devakottai Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 14.12.2023 and to revoke the order of suspension passed by the 1st respondent passed vide proceedings in Roc. R2/ 10651/ 2023, dated 21.04.2023 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.R.Karunanidhi
For R1 : Mr.R.Ragavendran
Government Advocate
For R2 & R3 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation, dated 14.12.2023 and to revoke the order of suspension passed by the 1st respondent passed vide proceedings in Roc. R2/ 10651/ 2023, dated 21.04.2023 within a stipulated time fixed by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner has joined into service as Panchayat Secretary in Vengalore Panchayat on 15.03.1999 and he was regularized in the same year. Subsequently, he was transferred to Poosalakudi Village Panchayat Office in the year 2012. He was working in Poosalakudi Village Panchayat as Panchayat



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Secretary. On the complaint lodged by one Thangaraj as against the petitioner that the petitioner had demanded bribe of Rs.1000/-, a case was registered by the Inspector of Police, Vigilance and Anti-Corruption on 20.04.2023 for the alleged offence under Section 7 of Prevention of Corruption Act, 1988 in Crime No.3 of 2023 on the file of the Vigilance and Anti-Corruption, Sivagangai. Thereafter, on 20.04.2023, the petitioner was arrested and was remanded to the judicial custody for 19 days. On 21.04.2023, the suspension order came to be passed by the 1st respondent. Even after 6 months of his suspension, till date, his request to revoke the suspension has not been considered by the respondents. Hence, the petitioner gave a representation on 14.12.2023 seeking to revoke his suspension. Since the same was not considered, this writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that it is the duty of the respondents to review the suspension order every 3 months and revoke the same within a period of 3 months. However, the said exercise has not been done in the case of the petitioner and in view of the same, he sought for allowing the writ petition.



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5. Per contra, the learned Government Advocate drew my attention to the letter, dated 26.04.2016 of the Personnel and Administrative Reforms (N) Department regarding the limitation fixed on the period of suspension, in which certain clarifications have been issued. In Paragraph No.5 of the said letter, it has been clearly clarified that the the time limit of 3 months for the revocation of the suspension are applicable only to the suspension cases arising out of departmental disciplinary inquiries pertaining to non-vigilance and / or any non-criminal cases. However, the case in hand is a vigilance case and in view of the same, the request of the petitioner cannot be conceded to and pressed for dismissal of the writ petition.

6. However, the learned counsel for the petitioner drew my attention to Rule 17 (3) of Tamil Nadu Village Panchayat Secretaries Rules 2013 which mandates the personal Assistant (Development) to Collector has to review on extension of suspension of the persons holding the post of Panchayat Secretaries for every quarter.



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7. In view of the fact that the review of the extension of suspension has not been done in the case of the petitioner, this Court hereby direct the 1st respondent to consider the representation of the petitioner, dated 14.12.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

8. With the above said observations, this Writ Petition stands disposed of. No costs.

11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

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Sivagangai District.
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Kannangudi Panchayat Union,



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Devakottai Taluk,
Sivagangai District.

L.VICTORIA GOWRI, J.

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