



W.P.(MD).No.4055 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4055 of 2024

T.Manikandan

... Petitioner

Vs

1. The District Collector,
Collectorate Office, Madurai,
Madurai District.
2. The Assistant Director Panchayat,
Collectorate Building, Madurai,
Madurai District.
3. The Assistant Director of Auditor,
Collectorate Building, Madurai,
Madurai District.
4. The Block Development Office (Village Panchayat),
T.Kallupatti, Madurai 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 1st respondent to expediate and conclude the enquiry proceedings in charge memo in Na.Ka.No. 1078/2023/U.B-8 dated 25.11.2023, within a time fixed by this Court.



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For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.J.John Rajadurai (R1-R3)
Government Advocate

Mr.M.Prakash (R4)
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to expediate and conclude the enquiry proceedings in charge memo in Na.Ka.No.1078/2023/U.B-8 dated 25.11.2023, within a time fixed by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1- 3 and the learned Additional Government Pleader appearing for the fourth respondent. Perused the materials on record.



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4.(i).The petitioner was elected as the President of Puliampatti Panchayat in the year 2020 and one Chitradevi is working as a Secretary in Puliampatti Panchayat from 05.11.2019 to 01.12.2021. The petitioner inspected the records maintained by said Chitradevi and found several misappropriation as committed by the said Chitradevi in collecting taxes from the public and she has not remitted the same into the account of the Panchayat. Therefore, on 17.05.2022, he issued a memo to the said Chitradevi to show cause why legal action should not taken against her for misappropriation and misconduct. The petitioner has issued a second memo on 17.05.2022 in respect of irregularities in the construction of Social hall building. Since several complaints were received against her, on 30.12.2021 after a lapse of one year she paid the money to the labour welfare fund. She had sent a reply stating that she has deposited money and admitted in her reply that she had not deposited the money in time and further undertook that she will not indulge in such activity in future.

(ii).The petitioner had sent the copies of the memo to the respondents. Hence, the fourth respondent had sent a communication, dated 20.05.2022 to the Zonal Block Development Officer and directed to conduct enquiry and to inspect the records and to file a report on or before 03.06.2022.



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The Zonal Block Development Officer has conducted the inspection on 03.06.2022 and filed a report by alleging that said Chitradevi had committed misappropriation and recommended to take disciplinary action against her.

(iii).Thereafter, the third respondent has conducted an audit on 19.07.2022 and issued a communication by confirming the misconduct of said Chitradevi directing to recover the money and deposit the same into the Panchayat account within a period of two days, following which, the first respondent has issued a show cause notice vide proceedings, dated 02.09.2022 to the said Chitradevi. Thereafter, the official respondent has not taken any steps against the said Chitradevi.

(iv).The petitioner received several complaints as against Chitradevi that his specimen signature has been misused by her. Therefore, on 20.03.2023 he issued another memo to the said Chitradevi. Since the official respondent does not take action against the said Chitradevi, the petitioner made a detailed representation to the Principal Secretary to the Government on 06.04.2023. In response to that, on 02.05.2023 the Principal Secretary Rural Development and Panchayat Raj Department has sent a communication to the first respondent to take appropriate action. Therefore, the first respondent vide



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proceedings, dated 29.05.2023 directed the second respondent to take appropriate action on the complaint given by the petitioner.

(v).On 25.11.2023 the first respondent again issued a charge memo to the said Chitradevi for the misappropriation committed by her and the same is pending. Despite the enquiry conducted by the Zonal Block Development Officer and despite issuance of charge memo by the first respondent, the disciplinary proceedings are not proceeded against her as expeditiously as possible. This gave room for several complaints among the village people and it was resolved in the Gramma Sabha that appropriate action has to be taken, by initiating the disciplinary proceedings against the said Chitradevi and the same has to be concluded as expeditiously as possible. Even after that there is no progress in the enquiry. Hence, this writ petition came to be filed.

5.The learned Government Advocate appearing for the respondents 1 to 3 submitted that they have no hesitation in concluding the proceedings against the said Chitradevi at the earliest.

6.In view of the above submission, I hereby direct the first respondent to expedite and conclude the enquiry proceedings in charge memo,



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dated 25.11.2023 against said Chitradevi within a period of twelve (12) weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

21.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.

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