



W.P.(MD).No.11999 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.11999 of 2024

and

W.M.P.(MD).Nos.10685 and 10686 of 2024

Rajkumar

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Additional Collector,
[District Rural Development Agency],
Pudukkottai,
Pudukkottai District.

3.The Block Development Officer,
Office of the Block Development Office,
Avadiyarkovil Union,
Pudukkottai District.

4.The President,
Natanipurasakudi Village Panchayat,
Pudukkottai,
Pudukkottai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned of suspension issued by the third respondent in his proceedings in Na.Ka.No.85/2021/T3, dated 29.04.2024 and quash the same as illegal and consequently directing the respondents to reinstate the petitioner into service with back wages within the time stipulated by this Court.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.S.Sathya Chidambaram, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondents.

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



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3. Mr.S.Sathya Chidambaram, learned counsel for the petitioner submitted that the petitioner who was working as a Secretary in the fourth respondent Panchayat has been suspended by the third respondent through impugned order dated 29.04.2024. The learned counsel for the petitioner submitted that the third respondent is not a competent authority to issue a suspension order because the appointing authority of the petitioner is the Personal Assistant to the District Collector. There was no reason stated in the suspension order as to whether any inquiry to any grave charges is contemplated or pending or any other reasons stated in the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013. As per Rule 17 of the said rules, the following conditions have to be present for placing an employee under suspension:

17. Suspension:-

(1) The appointing authority may place a person holding the post under suspension, if it is necessary in public interest, where, -

(i) an inquiry into grave charges against him/her is contemplated or is pending; or

(ii) a complaint against him/her of any criminal offence is under investigation or trial.

(2) A person holding the post who is detained in custody



whether on a criminal charge or otherwise, for a period longer than 48 hours shall be deemed to have been suspended under this rule.

(3) Review on extension of suspension of the persons holding the post shall be done by the Personal Assistant (Development) to Collector for every quarter.

(4) During the period of suspension, a person holding the post is eligible for subsistence allowance of 50% of the last pay and allowances drawn.

4. The impugned order is a cryptic order without any reasons and hence in all fairness it has to be set aside.

5. Mr.J.Ashok, learned Additional Government Pleader for the respondents submitted that earlier show cause notice have been issued to the petitioner by seeking his explanation as to why he was reporting to duty and remains absent.

6. In such case, the suspension order atleast should have stated that the concerned authority is contemplating to initiate disciplinary proceedings for the alleged lapses. When the appointing authority is the



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Personal Assistant to the District Collector, the third respondent who is not a competent authority has issued the suspension order without jurisdiction.

7. In view of the above stated reasons, this Writ Petition is **allowed** and the impugned order of suspension issued by the third respondent in his proceedings in Na.Ka.No.85/2021/T3, dated 29.04.2024 is hereby quashed. The respondents are directed to reinstate the petitioner forthwith; in case, the petitioner remains absent without taking any efforts to rejoin, it is always open to the respondents to take appropriate action including suspension, but in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

10.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

Nsr

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