



WP(MD) No.16588 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16588 of 2024

and

W.M.P.(MD) No.14354 of 2024

S.Iyyam Perumal

... Petitioner

Vs.

1.The District Collector,
O/o.Collectorate,
Ramanathapuram.

2.The Deputy Superintendent Police,
Vigilance & Anti-Corruption,
Ramanathapuram.

3.The Block Development Officer,
Village Panchayat,
Kadaladi,
Ramanathapuram District.

4.The Village Panchayat President,
Avathandai Village,
Kadaladi Taluk,
Ramanathapuram 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 relating to the impugned order passed by the 3rd respondent in Na.Ka.B4/2479/2023 dated 28.08.2023 and quash the same as illegal and consequently directing the 3rd respondent herein to reinstate the petitioner in the post of Panchayat Secretary at the 4th respondent office with all attendant and monetary benefits.

For Petitioner : Mr.J.Senthil Kumaraiah
For Respondents : Mr.N.Ramesh Arumugam (R1&R2)
Government Advocate
Mr.S.RA.Ramachandran (R3&R4)
Additional Government Pleader

ORDER

The petitioner has filed this writ petition challenging the charge memo dated 28.08.2023 with consequential direction to the third respondent to reinstate the petitioner with all attendant and monetary benefits on 28.08.2023.

2. Heard the learned counsel on either side.



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3. The petitioner, who has been serving as Panchayat Secretary has been suspended on 28.08.2023 on the allegation that the petitioner had received bribe for executing some of his official duties. Subsequent to the order of suspension, the petitioner has also been issued with the charge memo on 03.09.2023.

4. The learned counsel appearing for the petitioner submitted that the disciplinary proceedings are still pending and the respondents did not follow the guidelines issued in G.O.MsNo.81, Human Resources Management, dated 04.08.2022 for early disposal of the disciplinary proceedings as per the guidelines. He claims that the petitioner may be allowed to reinstate into service by revoking the suspension.

5. The learned counsel appearing for the respondents submitted that a criminal case has been registered against the petitioner in regard to the aforesaid allegation, which is also pending.

6. A reliance was placed by the learned counsel appearing for the petitioner on the judgment of this Court rendered in the case of *A.Mani*



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vs. ***The Commissioner / Director, Adi Dravidar Welfare Department, Chennai***, [WP(MD)No.15203 of 2024, dated 10.07.2024], wherein this Court hauled off the long suspension, and issued a direction to reinstate the employee into service by following the dictum laid down by the Hon'ble Supreme Court in ***Ajaykumar Chowdry vs. Union of India and Others*** reported in ***2015 (3) CTC 119***. In the instant case, the petitioner has been issued with the charge memo and the disciplinary proceedings are pending. Even in that case, the respondents have to expedite the disciplinary proceedings and the petitioner cannot be kept under suspension for a long time.

7. It is needless to state that the standard of proof required to the disciplinary proceedings is different as that of the proof required to the criminal proceedings. Hence, nothing will prevent the respondents from expediting the disciplinary proceedings initiated against the petitioner and the respondents shall dispose of the same without putting the petitioner under indefinite suspension.



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8. In view of the aforesaid, this writ petition is disposed by directing the respondents to complete the disciplinary proceedings initiated against the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2024

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

To:-

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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.16588 of 2024

23.07.2024