



WP(MD). No.19775 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02.12.2024

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.19775 of 2022
and
WMP(MD)No.14431 of 2022

K.Vanangamudi

... Petitioner

versus

1. The District Collector,
Pudukottai,
Pudukottai District.
2. The Joint Director / Project Director,
District Rural Development Agency,
Pudukottai,
Pudukottai District.
3. The Block Development Officer
(Village Panchayat),
Panchayat Union,
Avudaiyarkovil,
Pudukottai District.
4. The Block Development Officer
(Village Panchayat),
Panchayat Union,
Aranthangi,
Pudukottai District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned charge memo issued by the 1st respondent in Na.Ka.P1/3665/2022 (Development) dated 29.07.2022 and consequential impugned orders passed by the 1st respondent in Rc.No.3665/2022/P1 (Dev.) dated 30.07.2022 placing the petitioner under suspension from service and not permitting the petitioner to retire from service and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.K.Balasubramani,
Special Government Pleader

ORDER

The petitioner is a Deputy Block Development Officer. He was due to retire from service on superannuation on 31.07.2022. However, he was retained in service under Rule 56(1)(c) of the Fundamental Rules, contemplating enquiry as against him. He was placed under suspension by proceedings dated 30.07.2022 issued by the first respondent. He was also issued with a charge memo dated 29.07.2022. Challenging the order of suspension dated 30.07.2022 and the charge memo dated 29.07.2022, the petitioner has filed this writ petition.



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2. The learned counsel for the petitioner, by referring the charge memo, submits that the charges cannot be made as against the petitioner and it is the responsibility of the Block Development Officer and not the responsibility of the Deputy Block Development Officer. He further submits that the petitioner was not entrusted with any duty and he was stationed at the Headquarters, therefore, he is in no way connected with the charges. However, the charge memo was issued by the first respondent in a mechanical manner.

3. The learned Special Government Pleader, by referring the proceedings in Na.Ka.No.Pa1/5768/2019 dated 11.11.2019, submits that the petitioner was entrusted with duty by the abovesaid proceedings and the same can be appreciated only during the enquiry. The learned Special Government Pleader has also relied on the Judgment of this Court dated 06.02.2020 passed in W.P.No.4613 of 2015, wherein, this Court has not accepted the plea raised by another Deputy Block Development Officer as against the similar charge.



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4. This Court considered the rival submissions made and perused the materials placed on record.

5. The petitioner was due to retire from service on superannuation on 31.07.2022. However, he was retained in service under Rule 56(1)(c) of the Fundamental Rules and he was placed under suspension by proceedings dated 30.07.2022 and he was also issued with a charge memo dated 29.07.2022.

6. It is reported that the departmental proceedings initiated as against other delinquent has already been concluded, however, further decision is not taken in view of the pendency of this writ petition.

7. The role of the petitioner in the delinquency alleged by the disciplinary authority can be appreciated only by the Enquiry Officer and not by this Court. The scope of the judicial review as against the charge memo is very limited and it can be interfered only if it has been issued by an incompetent authority or with *mala fide*. The petitioner has not taken any such ground. Therefore, this Court is not inclined to interfere with the impugned charge memo dated 29.07.2022 and the order of



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suspension dated 30.07.2022.

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8. Accordingly, this writ petition is dismissed. However, there shall be a direction to the respondents to conclude the disciplinary proceedings initiated against the petitioner as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. The petitioner is also expected to co-operate for the enquiry. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2024

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

To

1. The District Collector,
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Pudukottai District.
2. The Joint Director / Project Director,
District Rural Development Agency,
Pudukottai,
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B.PUGALENDHI, J.

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