



W.P(MD)No.23021 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P(MD)No.23021 of 2022

and

W.M.P(MD)Nos.17138 & 17139 of 2022 and 10776 of 2023

S.Vasanth Kumar

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The P.A to District Collector,
Office of the District Collectorate,
Pudukottai District,
Pudukottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings ந.க.எண்.ப1/9548/2016 (வளர்ச்சி) dated 08.09.2022 and quash the same as illegal and consequentially to direct the respondents to reinstate the petitioner in service with all other service and monetary benefits with an



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accrued interest thereon within the period that may be stipulated by this Court and pass such further order or others.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

This writ petition has been filed to quash the order, dated 08.09.2022 passed by the first respondent and consequentially to direct the respondents to reinstate the petitioner in service with all other service and monetary benefits with an accrued interest thereon.

2. The case of the petitioner is that the petitioner was initially appointed as Computer Assistant on 02.04.2008 at Avudayar Kovil Panchayat Union, Pudukottai District on consolidated basis. On 03.05.2017, a charge memo came to be issued by the first respondent alleging that in respect of the financial year 2011-2012, 2012-2013, there are number of fake persons working under the Scheme of Mahatma Gandhi National Rural Employment Guarantee Scheme. The crux of the charge is that under the hundred days Employment Scheme,



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fake persons are involved, thereby, the misappropriation seems to have taken place. In response to the charge memo, the petitioner has submitted detailed explanation on 29.05.2017. Not satisfying with his explanation, an enquiry officer was appointed on 15.09.2017 and thereafter, he was terminated from service on 20.03.2019. In the meanwhile, the petitioner preferred a detailed representation to the respondents, dated 25.04.2022 requesting them to reinstate the petitioner in service. Hence, the present writ petition.

3. The learned Counsel appearing for the petitioner submitted that the petitioner was issued with a charge memo on 03.05.2017 and thereafter, he was terminated from service on 20.03.2019. Challenging the said termination order, he preferred a writ petition in W.P(MD)No.7615 of 2019 and this Court by an order, dated 01.09.2021 allowed the writ petition in favour of the petitioner. Against which the respondents preferred a writ appeal vide W.A(MD)No.223 of 2022 and that was disposed of by this Court on 14.03.2022 confirming the order passed by the learned Single Judge in W.P(MD)No.7615 of 2019.

4. The learned Counsel appearing for the petitioner further submitted that the enquiry officer report was submitted to the petitioner on 13.04.2022 seeking



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explanation and pursuant to that, he has also submitted an explanation, dated 25.04.2022. Thereafter, the explanation submitted by the petitioner was forwarded by the first respondent to the Director of Rural Development for appropriate orders. The learned Counsel appearing for the petitioner would further submit that a contempt petition was also filed to comply the orders passed by this Court on 01.09.2021 and this Court by an order, dated 21.04.2022 granted three months time to conclude the enquiry. Despite this order, the enquiry proceedings were not concluded by the respondents.

5. The counter affidavit was filed by the second respondent on 31.03.2023. The learned Government Advocate appearing for the respondents submitted that the explanation given by the petitioner on 25.04.2022 was received by the Director of Rural Development. He further submit that since the petitioner is a temporary appointment, the competent authority to pass order is the first respondent / District Collector. In this regard, the Director of Rural Development will instruct the District Collector to pass appropriate orders on the explanation submitted by the petitioner, dated 25.04.2022 and in this regard, the Director of Rural Development will give suitable instructions within a period of two weeks from today [24.10.2024]. The District Collector, the first



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respondent herein on receipt of such instructions from the Director of Rural Development will pass appropriate orders on the petitioner's representation, dated 25.04.2022, within a period of eight weeks thereof.

6. The writ petition is disposed of with the above observations and directions. If the appropriate order is not passed by the District Collector within the stipulated period of eight weeks from the date of receipt of the instruction from the Director of Rural Development, the first respondent may reinstate the petitioner. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

24.10.2024

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

To

1.The Director of Elementary Education,
Office of Director of Elementary Education,
DPI Campus,
College Road,
Chennai-600 006.



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2.The District Educational Officer,
Tenkasi,
Tenkasi District.

3.The Block Educational Officer,
Kadayanallur,
Tenkasi District.



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