



W.P.(MD)No.9907 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.9907 of 2017

and

W.M.P.(MD).Nos.7591 & 7592 of 2017

K.Senthilvel

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,

2.The Personal Assistant to District Collector (Development),
Virudhunagar District,
Virudhunagar.

3.The Block Development Officer,
Vembakottai Panchayat Union,
Virudhunagar District.

4.The Panchayat President,
A. Lakshmipuram Village,
Vembakottai Panchayat Union,
Virudhunagar District.

... Respondents

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 third charge memo issued by the second respondent in Na.Ka.No.R2/30977/2016, dated 24.03.2017, quash the same and consequently



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direct the respondents herein to regularize the period of petitioner's suspension with arrears of salary and all monetary service benefits from 06.03.2012 together with interest thereon within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.P.Mahendran

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the third charge memo issued by the second respondent, dated 24.03.2017, on the ground that the Personal Assistant to the District Collector is not a competent authority to frame the charge memo.

2. Learned counsel appearing for the petitioner would submit that based on G.O.(Ms).No.72, dated 09.07.2013, the impugned charge memo has been issued by the Personal Assistant to the District Collector. He would submit that the aforementioned Government Order has been stayed by several orders passed by this Court in various other Writ Petitions. He would further submit that the said Government Order has now been withdrawn and a fresh Government Order has been passed in its place, viz., G.O.(Ms).No.113, dated 13.09.2023 issued by the Rural Development and Panchayat Raj (E-5) Department, wherein, it has



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been disclosed that the Block Development Officer, who is the competent authority is only empowered to issue the charge memo.

3. A counter affidavit has been filed by the respondents denying the contentions of the petitioner.

4. Since G.O.(Ms).No.72, dated 09.07.2013, has now been withdrawn and in its place, a fresh Government Order, viz., G.O.(Ms).No.113, dated 13.09.2023 issued by the Rural Development and Panchayat Raj (E-5) Department has been passed, it is clear that without authority under law, the Personal Assistant to the District Collector has issued the impugned charge memo to the petitioner.

5. In view of the same, the impugned charge memo dated 24.03.2017 has to be quashed and the Writ Petition will have to be allowed.

6. Accordingly, the impugned order, dated 24.03.2017 is hereby quashed. However, liberty is granted to the respondents to initiate fresh disciplinary proceedings against the petitioner as per G.O.(Ms).No.113, Rural Development and Panchayat Raj (E5) Department, dated 13.09.2023, by following the due procedure of law.



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7. In the result, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

- 1.The District Collector,
Virudhunagar District,
- 2.The Personal Assistant to District Collector (Development),
Virudhunagar District,
Virudhunagar.
- 3.The Block Development Officer,
Vembakottai Panchayat Union,
Virudhunagar District.
- 4.The Panchayat President,
A. Lakshmipuram Village,
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ABDUL QUDDHOSE, J.

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