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W.P. No.1575 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM :

THE HONOURABLE Ms. JUSTICE **R.N.MANJULA**

W.P.No.1575 of 2019
and
W.M.P.No.1749 of 2019

E.S.Mathiazhagan

... Petitioner

Vs.

1.The District Collector
cum Inspector of Panchayat
Krishnagiri District,
Krishnagiri.

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

3.The Block Development Officer,
Keezhamangalam Panchayat Union,
J.Kaarupalli Village,
Krishnagiri District,
Krishnagiri.

4.The Block Development Officer,
Sulagiri Panchayat Union,
Krishnagiri District,
Krishnagiri.

... Respondents



W.P. No.1575 of 2019

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records of the fourth respondent bearing Na.Ka.No.2462/2014/E2 dated 12.11.2018 and quash the same in and by which the fourth respondent imposed a punishment of stoppage of increment for a period of one year with cumulative effect.

For Petitioner : Ms.T.Hemalatha

For R1 & R2 : Mr.J.Chezhian
Additional Government Pleader

For R3 and R4 : Mr.R.S.Selvam

ORDER

This Writ Petition has been filed to call for the records of the fourth respondent bearing Na.Ka.No.2462/2014/E2 dated 12.11.2018 and to quash the same, by which the fourth respondent imposed a punishment of stoppage of increment for a period of one year with cumulative effect.

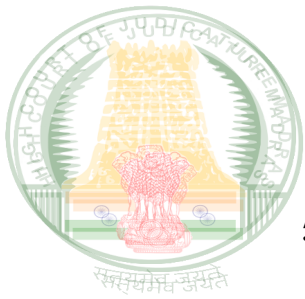
2. The petitioner was placed under suspension on 23.09.2014 following an inspection conducted by the Assistant Director of Rural Development on 26.04.2017. Based on certain irregularities found in the maintenance of documents during the inspection, disciplinary proceedings



were initiated. Consequently, the charges against the petitioner were proved and a punishment of stoppage of increment for one year with cumulative effect was imposed.

3. The learned counsel appearing for the petitioner submitted that as per the Rule 15 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, only the Personal Assistant to the District Collector is the competent authority to impose penalty, whereas the 4th respondent, the Block Development Officer, is only authorized to initiate disciplinary proceedings. The learned counsel for the petitioner further submitted that the enquiry was not properly conducted and the petitioner was not given due consideration.

4. It is seen that the disciplinary action has not been initiated against the petitioner for the imposition of any major punishment and the enquiry proceedings have been conducted only under Rule 16 of the Rules. According to Rule 16, the authority must provide a reasonable opportunity for the petitioner to submit a representation before passing an order.



5. The explanation reveals that the petitioner failed to maintain records properly, which caused inconvenience in sending reports to the District Administration, as noted by the Block Development Officer. For such allegations, the petitioner can only provide an explanation and does not require any oral enquiry. It is for the enquiry officer to decide the matter for enquiry and hence the disciplinary authority thought it fit to give him an opportunity to call for explanation before passing orders.

6. Now coming back to the point that the 4th respondent is not a competent authority to pass orders as he is only the authority to initiate disciplinary proceedings. Coming to the Rule 15, which has been stayed by an earlier order of this Court in M.P(MD).No.2 of 2013 in W.P.(MD).No.16884 of 2013. However, the above writ petition has not been filed to challenge Rule 15, but filed to safeguard the appointment of the Panchayat Secretary made by the Block Development Officer.

7. In view of the interim order, it has been brought to the knowledge of the Court that a notification was issued by the Government in

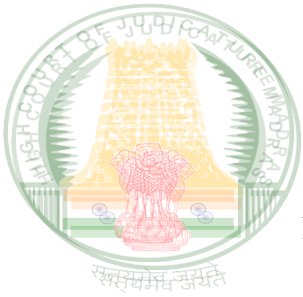


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the year 2023, approving the Block Development Officer as the disciplinary authority. It appears that the Government has thought fit to designate the Block Development Officer as the competent authority for disciplinary proceedings.

8. In the instant case, the action has been initiated against the petitioner prior to the new rule had come into force. As far as the petitioner is concerned, he is governed under the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, which were in force at the time when the disciplinary proceedings were conducted and the punishment was imposed on 12.11.2018.

9. As the 4th respondent/Block Development Officer was the competent authority to initiate disciplinary action as a controlling officer, he was not competent to pass any orders of punishment as per Rule 15 of the 2013 Rules. Therefore, the impugned order passed by the Block Development Officer is ultra vires and liable to be set aside.



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10. In view of the above, this Writ Petition is disposed of. The impugned order is hereby set aside and the matter is remitted back to the 2nd respondent to consider the explanation given by the petitioner and pass orders afresh with a period of six weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

18.03.2025

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Index : Yes/No

Speaking Order : Yes/No

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Krishnagiri District,
Krishnagiri.

2.The Personal Assistant to District Collector,
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Krishnagiri District.

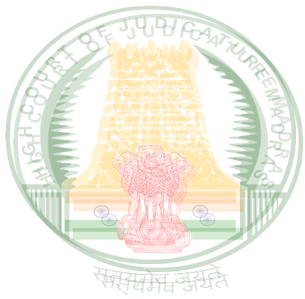
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R.N.MANJULA,J.

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