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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2025

Coram:
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17159 of 2012
and M.P.No.1 of 2012

V.Annadurai

...Petitioner

Versus

1.The Block Development
Officer (Village Panchayat),
Alathur Panchayat Union,
Perambalur District.

2.Mr.T.Ramaraj

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records relating to the impugned order of the First Respondent in Na.Ka.Aa3/880/2010 dated 12.06.2012 and quash the same.

For Petitioner	:	Mr.P.Mohanraj
For Respondent – 1	:	Mr.G.Nanmaran, Special Government Pleader
For Respondent – 2	:	No Appearance

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ORDER

Heard Mr.P.Mohanraj, learned counsel for the Petitioner and Mr.G.Nanmaran, learned Special Government Pleader for the Respondents.

2. The relief sought in this writ petition is to quash the Order dated 12.06.2012 bearing Na.Ka.Aa3/880/2010 (hereinafter referred to as "Impugned Order") passed by the 1st Respondent.

3. The brief facts of the case are that during the year 2006-2007, when the Petitioner was working as Panchayat Secretary at Siruganpur Village in Alathur Panchayat Union, on 30.03.2007, the Petitioner had remitted a sum of Rs.1,08,249/- to the 2nd Respondent for being brought into the Village Accounts bearing Account Nos.8472, 8473 & 8474. The 2nd Respondent had also acknowledged the same vide Letter dated 30.03.2007. However, the 2nd Respondent misappropriated the said amount without crediting the same into the Village Accounts. Hence, the 1st Respondent had called upon the Petitioner to remit a sum of Rs.98,279/-.

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4. Although the Petitioner produced the Acknowledgment Letter dated 30.03.2007 of the 2nd Respondent before the 1st Respondent and explained that **Rs.1,08,249/-** was misappropriated by the 2nd Respondent, without considering the same, the 1st Respondent placed the Petitioner under suspension.

5. Challenging the order of suspension issued by the 1st Respondent, the Petitioner filed a writ petition in W.P.No.12618 of 2007. This Court stayed the said order of suspension, pursuant to which, the Petitioner was reinstated in service by the 1st Respondent vide proceedings dated 06.06.2007 in A3/1066/2007.

6. Thereafter, at the request of the Petitioner, he was transferred to Adhanur Village Panchayat, Alathur Panchayat Union, Perambalur District on 01.04.2010. While so, the 1st Respondent vide Impugned Order dated 12.06.2012, called upon the Petitioner to remit a sum of **Rs.1,24,497/-** in the Village Panchayat Account, on or before 30.06.2012. Aggrieved by the same, the Petitioner has filed this writ petition before this Court.

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7. The Impugned Order dated 12.06.2012 passed by the 1st Respondent has been primarily assailed on the ground that the same suffers from gross violation of the Principles of Natural Justice since prior to the passing of Impugned Order, no notice or opportunity of personal hearing was afforded to the Petitioner to put forth his case.

8. That apart, the 1st Respondent has passed the Impugned Order merely based on the Audit Objections in the Audit Report for the year 2006-2007, but, the said Audit Report has not been furnished to the Petitioner. Hence, the Petitioner is praying to quash the Impugned Order.

9. It is to be noted that in the Counter Affidavit filed by the 2nd Respondent, it has been stated that based on the Audit Report, the 1st Respondent conducted a detailed enquiry and thereafter, passed the Impugned Order stating that the Petitioner has misappropriated a sum of Rs.1,24,497/- for the period 2006-2007. It has also been stated that after the Impugned Order was passed, the amount which was purportedly misappropriated by the Petitioner was recovered from the Petitioner's salary in meticulous manner.

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10. As far as this case is concerned, the Petitioner had misappropriated a sum of Rs.1,24,497/- which was ought to have been credited in the Village Panchayat Account. Hence, the 1st Respondent has passed the Impugned Order calling upon the Petitioner to remit a sum of **Rs.1,24,497/-** in the Village Panchayat Account. However, prior to the passing of Impugned Order, no notice or opportunity of personal hearing was afforded to the Petitioner to establish his case which is in violation of the Principles of Natural Justice. Hence, the Impugned Order passed by the 1st Respondent is liable to be quashed.

11. Accordingly, the Impugned Order dated 12.06.2012 in Na.Ka.Aa3/880/2010 passed by the 1st Respondent is quashed and the case is remitted back to the 1st Respondent for fresh consideration.

12. It is made clear that the Impugned Order dated 12.06.2012 shall be treated as Show Cause Notice and the Petitioner shall file a Reply to the Impugned Order, within a period of 30 days from the date of receipt of a copy of this order.

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13. On filing of such Reply by the Petitioner, the 1st Respondent shall consider the same and pass fresh orders on merits and in accordance with law, as expeditiously as possible, after affording an opportunity of personal hearing to the Petitioner.

14. Liberty is granted to the Petitioner to make representation to the 1st Respondent requesting to furnish the Audit Book on the basis of which the Impugned Order has been passed by the 1st Respondent.

15. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

03.02.2025

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Index : Yes/No
Speaking Order (or) Non-Speaking Order

To

The Block Development
Officer (Village Panchayat),
Alathur Panchayat Union,
Perambalur District.

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C.SARAVANAN, J.

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