



W.P.(MD).Nos.9482 and 9483 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)Nos.9482 and 9483 of 2025

and

W.M.P(MD)Nos.7080, 7081, 7113 and 7115 of 2025

W.P(MD)No.9482 of 2025

P.Thanga Andi

...Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

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

3.The Block Development Officer (Panchayats),
Madurai West Panchayat Union,
Madurai - 625 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, to call for the entire records connected with the impugned notice issued by the second respondent in Na.Ka.No.4923/2015/2011-8 dated 17.03.2025 and quash the same.



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W.P.(MD).Nos.9482 and 9483 of 2025

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

W.P(MD)No.9483 of 2025

R.Rajendran

...Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

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

3.The Block Development Officer (Panchayats),
Thirupparankundram Panchayat (Union),
Thirunagar, Madurai – 625 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, to call for the entire records connected with the impugned notice issued by the second respondent in Na.Ka.No.4923/2015/௨௭.௮-8 dated 17.03.2025 and quash the same.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



W.P.(MD).Nos.9482 and 9483 of 2025

COMMON ORDER

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These writ petitions have been filed challenging the impugned notices issued by the second respondent dated 17.03.2025.

2. The primordial contention of the learned counsel for the petitioners is that as per the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules 2023, the appointing authority for the post of Village Panchayat Secretary is the Executive Authority of the Village Panchayat and the disciplinary authority is the respective Block Development Officer of the Village Panchayat.

3. He submits that the show cause notices impugned herein were issued by the Personal Assistant (Development) to the District Collector, Madurai, calling upon the petitioners to submit their explanations and issuance of such show cause notice is without any jurisdiction.

4. The learned Additional Government Pleader for the respondents drawing support from the counter affidavit filed by the respondents contends that even though the Block Development Officer is the



W.P.(MD).Nos.9482 and 9483 of 2025

disciplinary authority, as per Rule 24, the second respondent is the appellate authority and the first respondent is the revisional authority.

The first respondent is also empowered on his own motion to call for any records in the disciplinary proceedings including appeal, confirm, modify or set aside or even remit the case to the authority.

5. In such an event, the proceedings initiated by the second respondent against the petitioners cannot be said to be a proceeding without authority. He further submits that the petitioners having already participated in the proceedings by submitting their explanations to the charge memo issued by the second respondent is now estopped from questioning the authority of the second respondent. Therefore, he prays this Court to dismiss these writ petitions.

6. I have considered the arguments advanced by the learned counsel for the petitioners and the learned Additional Government Pleader for the respondents.



W.P.(MD).Nos.9482 and 9483 of 2025

7. The petitioners were issued a charge memo by the second respondent. The petitioners hold the post of Village Panchayat Secretary, whose services are covered by the provisions of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules 2023, which has been made in exercise of the powers conferred under Section Sub Section 1 of Section 102 of the Tamil Nadu Panchayats Act, 1994.

8. As per Rule 4, the appointing authority for the post of Village Panchayat Secretary is the Executive authority of the Village Panchayat. Rule 16 prescribes that the Block Development Officer of the Village Panchayat is the disciplinary authority for the Village Panchayat Secretary.

9. Rule 24 envisages that the Personal Assistant (Development) to the Collector shall be the appellate authority to whom an appeal should be filed within a period of 30 days from the date of the order of punishment passed under Rule 17 and the District Collector of the concerned District has been vested with the power of revision either on his own motion or otherwise on a revision filed by an aggrieved person as against the order passed by the appellate authority.



W.P.(MD).Nos.9482 and 9483 of 2025

10. Neither Rule 24 nor Rule 25 empowers the Personal Assistant

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To the Collector or the District Collector to abdicate the powers vested with the Block Development Officer under Rule 16.

11. For better appreciation, the relevant Rules of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules 2023, are extracted here under:

4.Appointing Authority – *The appointing authority for the post of Village Panchayat Secretary shall be the Executive authority of the Village Panchayat.*

16.Disciplinary Authority – *The Block Development Officer (Village Panchayat) shall be the disciplinary authority for the Village Panchayat Secretary.*

24.Appeal (1) *An appeal against an order of the disciplinary authority may be made to the Personal Assistant (Development) to Collector, within thirty days from the date of receipt of the order.*

(2) *While passing an order in appeal, the Appellate Authority shall consider:-*

(i) *Whether the facts on which the order was based have been established.*



W.P.(MD).Nos.9482 and 9483 of 2025

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(ii) Whether the facts established, afford sufficient ground for taking action;

(iii) whether the penalty is, adequate or inadequate or excessive and pass such orders, as it may deem fit.

(3) The appellate authority shall pass such order as appears to it just and equitable, having regard to the circumstances of the case.

25.Revision:- *Notwithstanding anything contained in these rules, the District Collector concerned may, at any time, either on his own notion or otherwise call for the records of any order passed in any disciplinary proceeding, including appeal, confirm, modify or set aside the order or remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as he may consider proper in the circumstances of the case or pass such other order as he deems fit.*

12. In view of the aforesaid discussion, I am of the view that the disciplinary proceedings initiated by the second respondent would suffer as the second respondent is not the disciplinary authority. It is also further noted that if such powers are exercised by the second respondent, the petitioners would lose the statutory right of appeal as available under the Rules.



W.P.(MD).Nos.9482 and 9483 of 2025

13. For the aforesaid reasons, these writ petitions stand allowed and the impugned proceedings initiated by the second respondent stands quashed. However, if the third respondent desires to initiate any action, he is always at liberty to proceed against the petitioners as provided under the Rules. No costs. Consequently, the connected miscellaneous petitions are closed.

10.09.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Personal Assistant (Development)
to the District Collector,
Madurai District,
Madurai.
- 3.The Block Development Officer (Panchayats),
Madurai West Panchayat Union,
Madurai - 625 002.
- 4.The Block Development Officer (Panchayats),
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W.P.(MD).Nos.9482 and 9483 of 2025

K.KUMARESH BABU, J.

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W.P.(MD).Nos.9482 and 9483 of 2025

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