



W.P.(MD).No.30636 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.30636 of 2025

and

W.M.P(MD)Nos.23777 and 23778 of 2025

T.Chelladurai

...Petitioner

Vs

1.The District Collector Cum Inspector of Panchayat,
Collectorate Campus,
Dindigul,
Dindigul District.

2.The Personal Assistant to District Collector (Development),
Collectorate Campus,
Dindigul,
Dindigul District.

3.The Block Development Officer (Village Panchayat),
O/o. the Block Development Office,
Batlagundu,
Dindigul District.

4.The Special Officer,
Rengappanaickanpatti Panchayat,
Nilakottai Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, calling for the



W.P.(MD).No.30636 of 2025

records relating to the impugned dismissal order passed by the first respondent in his proceedings in Na.Ka.No.283/2015/உள்.வ.9 dated 10.10.2025 and consequential impugned order passed by the third respondent in his proceedings in Na.Ka.No.5004/2014/தீ2 dated 13.10.2025 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
Senior Advocate
For M/s.Ajmal Associates

For R1 & R2 : Mr.M.Siddharthan
Additional Government Pleader

For R3 & R4 : Mr.B.Ramanathan

ORDER

This writ petition has been filed to quash the impugned dismissal order passed by the first respondent dated 10.10.2025 and consequential impugned order passed by the third respondent dated 13.10.2025 as illegal.

2. The learned counsel for the petitioner submits that the petitioner was appointed as a Panchayat Secretary in the fourth respondent Panchayat as early as in the year 2014. Subsequently, he was transferred to Panchayat Secretary at Viruveedu Panchayat, Nilakkottai Taluk,



W.P.(MD).No.30636 of 2025

Dindigul District, where he has been presently working without any complaint whatsoever. A resolution was passed by the fourth respondent Panchayat appointing the petitioner to the said place.

3.The first respondent herein by his proceedings, dated 19.01.2015 set aside the resolution passed by the Panchayat and directed the Panchayat President to cancel the appointment of the petitioner. The same was challenged by the then Panchayat President in W.P(MD)No.990 of 2015, and by order dated 26.06.2023 this Court held that the appointment had been made under the erstwhile Rules, and the resolution has been passed approving the appointment of the petitioner, the impugned order passed by the District Collector, was quashed.

4. He further submits that as against the same, the respondents had preferred an intra-court appeal in W.A(MD)No.1692 of 2025 and this Court by order dated 28.07.2025 set aside the order of the learned Single Judge by holding that the Panchayat President has no *locus standi* to maintain the writ petition and that the tenure has also expired and she cannot be permitted to pursue the matter. Thereafter, the first respondent passed the impugned order removing the petitioner from service. Such



W.P.(MD).No.30636 of 2025

order has been passed without affording an opportunity of hearing to the petitioner and is in clear violation of provisions of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2023, which superseded the provisions of the 2013 Rules.

5. It is submitted that neither under the 2013 Rules nor under the 2023 Rules, District Collector is an authority to initiate the disciplinary proceedings. He submits that even under the 2013 Rules, it is the Personal Assistant (Development) to the District Collector is the authority to impose punishment in disciplinary proceedings initiated by the Block Development Officer and the District Collector is the appellate authority. Under the 2023 Rules, the Block Development Officer is the disciplinary authority and the Personal Assistant (Development) to the District Collector is the appellate authority and the District Collector is the revisional authority.

6. Having not initiated disciplinary proceedings against the petitioner, the first respondent has no authority to order removal of the petitioner from service. Even under the original order challenged by the Panchayat President, a resolution passed by the Panchayat was rejected



W.P.(MD).No.30636 of 2025

with a direction to take appropriate steps to cancel the appointment of the petitioner. Such proceedings can only be initiated by the concerned Block Development Officer and not by the District Collector. Therefore, he seeks indulgence of this Court.

7. Countering her arguments, the learned Standing Counsel for the respondents submits that when the resolution appointing the petitioner itself was held to be bad, the petitioner cannot be continued in service. Therefore, there is no error in the orders impugned herein. He further submits that even though the first respondent passed the orders impugned herein as a revisional authority, he can also initiate the proceedings on his own motion and pass appropriate orders in the circumstances of the case. He submits that such powers has been vested under Rule 25 of the 2023 Rules. Therefore, he prays this Court to dismiss the writ petition.

8. I have considered the submissions made by the learned counsels on either sides and perused the materials available on record.

9. Admittedly, an order that has been passed in the year 2015 by the first respondent was the order rejecting the resolution passed by the



W.P.(MD).No.30636 of 2025

Panchayat appointing the petitioner, with a further direction to initiate appropriate steps to cancel the order of appointment. However, no show cause notice was thereafter issued to the petitioner calling upon him to explain why his appointment should not be cancelled.

10. It is to be noted that the erstwhile Panchayat President had challenged the order of District Collector rejecting the resolution passed by the Panchayat, and had succeeded before this Court. But in the appeal, this Court set aside the order of the learned Single Judge by holding that the Panchayat president has no *locus standi* to maintain the writ petition and that the tenure has already over. Thereafter, the order impugned had been passed on the strength that the resolution had been cancelled. There has been a clear violation of the principles of natural justice, as the petitioner has never been put on notice with regard to the cancellation of the appointment. On that ground itself, the orderd impugned is liable to be set aside.

11. Further, having passed an order directing that necessary steps be taken to cancel the appointment of the petitioner, no steps have been taken by any of the authorities who had been vested with the powers



W.P.(MD).No.30636 of 2025

either under 2013 Rules or under the 2023 Rules. However, the District Collector on the strength of the order made by the Division Bench of this Court had directed the Block Development Officer to forthwith cancel the appointment and the Block Development Officer had cancelled the appointment. Both the orders are now under challenge before this Court.

12. This Court found that there has been non-compliance of principles of natural justice. Therefore, the impugned orders are set aside with liberty to the third respondent to take necessary steps to comply with the order of the District Collector, dated 19.01.2015 by affording an opportunity of hearing to the petitioner and thereafter pass appropriate orders on merits and in accordance with law.

13. In fine, the writ petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

03.11.2025

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



W.P.(MD).No.30636 of 2025

To:

WEB COPY

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W.P.(MD).No.30636 of 2025

K.KUMARESH BABU, J.

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W.P.(MD).No.30636 of 2025

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