
(1964) 02 MAD CK 0017
In the Madras High Court
Case No : Writ Petition No. 242 of 1962

Murugadass

APPELLANT

Vs

State of Madras and Another

RESPONDENT

Date of Decision : 27-02-1964

Acts Referred:

Constitution of India, 1950 — Article 311, 311(2)

Citation : AIR 1964 Mad 518 : (1966) 2 LLJ 8 : (1964) 77 LW 355

Hon'ble Judges : Srinivasan, J

Bench : Single Bench

Advocate : R.C. Venkatachari, for the Appellant; The Addl. Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

Srinivasan, J.—The petitioner is the village headman of Saravanapakkam village. As a result of certain departmental proceedings against

him, he was suspended, from office for six months and this order was confirmed on appeal. The petitioner has approached this court praying for

the issue of a writ of certiorari to quash the proceedings and his complaint is that there has been no proper enquiry in respect of the charges and

that no further opportunity to show cause against the proposed punishment has been given to him and that this failure constitutes a violation of

Article 311 of the Constitution.

2. It is really unnecessary to set out the averments found in the counter-affidavit, for, on the facts disclosed in the affidavit of the petitioner, it is seen

that there is no substance in the complaint. The two charges against the petitioner were that he made certain collections which he delayed to remit

to the treasury. In one case the amount collected on 31-5-1959 was not remitted

till 5-11-1960. In the other case there was a delay of two months in making the remittance in question. The petitioner did not, in fact, deny that the remittances were delayed. He gave some explanation with regard to the delay. His complaint that certain persons were not examined is wholly unconvincing, when it is seen that the delays as such were not denied at all. On this aspect of the matter, the counter affidavit points out that the one person whom it was necessary to examine, namely Periyar, was in fact examined in the course of the proceedings.

3. The contention that the second show cause notice should have been given to the petitioner and that the guarantee under Article 311 has failed in this case cannot be accepted. Clearly, Article 311 covers only certain types of punishment and the punishment of suspension for a short period is not one of them. Where it is proposed to inflict such a punishment, it is unnecessary to issue a second show cause notice to the person proceeded against. There is no violation of the constitutional guarantee.

4. The petition is wholly devoid of substance and is dismissed. There will, however, be no order as to costs.