

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.3.2015.

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.6872 of 2007
(O.A.No.5604 of 2002)

K.Andichi

Petitioner

vs.

1. The District Collector,
Theni District.

2. The Block Development Officer,
Andipatti Panchayat Union,
Andipatti.

3. The President,
Pazhayakottai Panchayat,
Andipatti Panchayat Union,
Theni District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records on the file of the third respondent in connection with the order passed by him in his Proc.No.Na.Ka.No.1/2002 dated 17.6.2002 and quash the same and direct the respondents to reinstate the petitioner with all monetary and service benefits.

For Petitioner : Mr.R.Singgaravelan

For R1 : Mr.R.Govindasamy, AGP

For R2 : Mrs.E.Rani Selvam

For R3 : Mr.V.Subbiah

ORDER

The Original Application was filed on the file of the learned Tamil Nadu Administrative Tribunal challenging the order of termination dated 17.6.2002 passed by the third respondent and later the same came on transfer to this court and re-numbered as the present writ petition.

2. Learned counsel Mr.R.Singgaravelan, appearing for the

petitioner, assailing on the impugned order, submitted that as per section 106 of the Tamil Nadu Panchayats Act, 1994, the third respondent cannot terminate the services of the petitioner since the Commissioner is the competent authority to suspend or remove or dismiss the servant of the Village Panchayat or Panchayat Union or the District Panchayat.

3. At this point of time, Mr.Subbiah, learned Special Government pleader, placing on record, an order passed by the appellate authority viz., District Collector the first respondent herein, submitted that since the order passed by the appellate authority on 10.6.2002 was much before the filing of the O.A. without challenging the order in appeal, the petitioner cannot maintain the writ petition.

4. To repel the contention, the learned counsel for the petitioner brought to the notice of this court section 19(4) of the Administrative Tribunals Act, 1985 to say no appeal or representation in relation to any order that has become subject matter of O.A. shall be entertained under any rule after an O.A. was admitted by the Tribunal under sub-section (3) and therefore, that order cannot be taken into account but, the order passed by the first respondent appellate authority viz., the District Collector, Theni shows that even before the O.A. was filed on 11th October 2002, the first respondent had passed such order. Hence, the petitioner ought not to have filed the above O.A.

5. Admittedly, the said order having not been challenged, the writ petition cannot be entertained. Hence, the writ petition fails and is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The District Collector,
Theni District.
2. The Block Development Officer,
Andipatti Panchayat Union,
Andipatti.

3. The President,
Pazhayakottai Panchayat,
Andipatti Panchayat Union,
Theni District.

1 cc to Spl Government Pleader, Sr.No.14523

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