

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.09.2015

CORAM:
THE HONOURABLE MR. JUSTICE R. MAHADEVAN
W.P.No.30110 of 2015
and
M.P.Nos.1 and 2 of 2015

G.Thirumalaisamy

... Petitioner

-Versus-

- 1.The Personal Assistant to the District Collector,
Nagapattinam District,
Nagapattinam.
- 2.Thiru.N.Mohan,
Personal Assistant to the District Collector,
Nagapattinam District,
Nagapattinam.
- 3.Thiru.K.Sivasubramanian,
Panchayat Secretary,
Muttam Panchayat,
Nagapattinam District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Certiorari, calling for the records of the 1st respondent in connection with the order passed by him in his proc.No.Na.Ka.3034/Oo.Va.6/2015, dated 04.09.2014 signed on 04.09.2015 and to quash the above said proceedings.

For Petitioner(s) : Mr.R.Singaravelanfor
Ms.M.Srividhya

For Respondent : Ms.M.S.Ramesh, AGP

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ORDER

Challenging the impugned order of transfer of the 1st respondent, the petitioner, who is the President of Sembianmadevi Village Panchayat, has come forward with this writ petition.

2. The petitioner is the President of Sembianmadevi Village Panchayat. According to the petitioner, one T.Saravanan was appointed as Panchayat Assistant / Panchayat Secretary on 28.03.2006

and he was working to the satisfaction of the Panchayat. While so, at the instance of the Vice President of the said Village, even without consulting the President, the 1st respondent has transferred the said Sri.T.Saravanan to another Panchayat which is contrary to the provision in Section 104 of The Tamil Nadu Panchayat Act, 1994. Hence, the petitioner is now before this court with this writ petition for appropriate relief.

3. Heard both sides and also perused the records carefully.

4. With regard to transfer of an employee in the Panchayat, without getting any consent or concurrence, the impugned order of transfer has been passed. Objecting to it, questioning the jurisdiction of the authority, the petitioner, who is the President of the said Village Panchayat, submitted a representation to the District Collector, Nagapattinam, which is said to be pending.

6. In the above circumstances, without going into the merits of the case projected by the petitioner, this court directs that the representation of the petitioner dated 15.09.2015 to the District collector, Nagapattinam District, be considered and necessary orders be passed on the same on merits and in accordance with law after affording due opportunity to the petitioner as well as to the person concerned within a period of two weeks from the date of receipt of a copy of this order. The Registry is directed to communicate a copy of this order to The District Collector, Nagapattinam District, as well.

7. The writ petition is disposed of with the above directions. No costs. Consequently, connected MPs are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

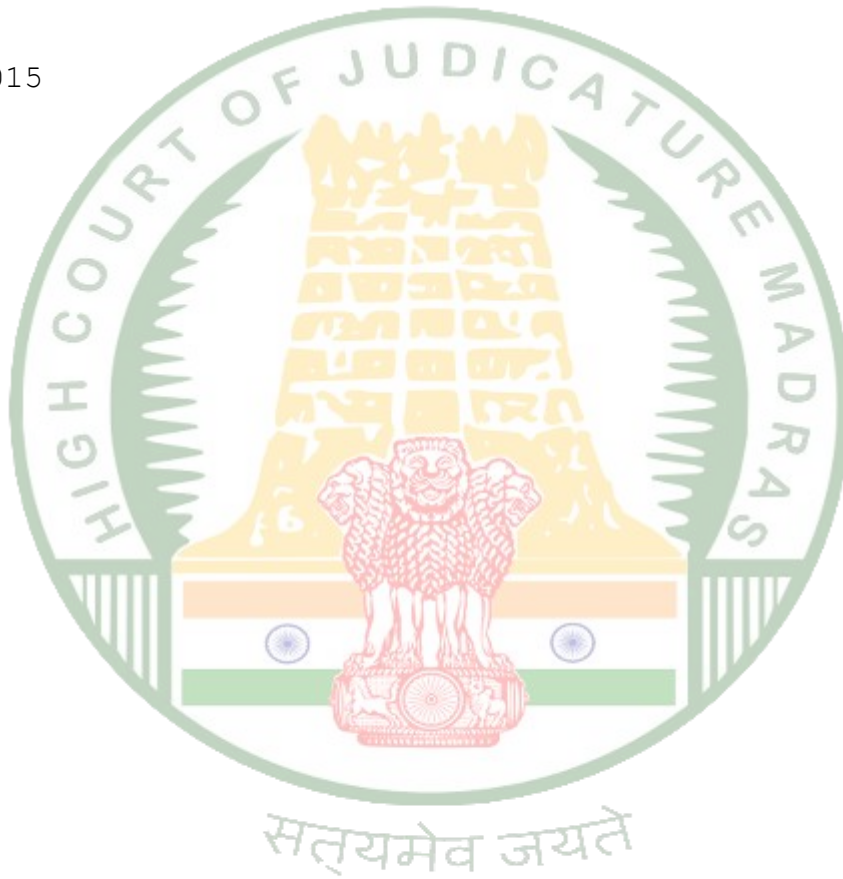
- 1.The District Collector, Nagapattinam District.
- 2.The Personal Assistant to the District Collector, Nagapattinam District, Nagapattinam.
- 3.The Panchayat Secretary, Muttam Panchayat, Nagapattinam District.

+1 cc to M/S.M.Srividhya Advocate sr.52204

+1 cc to the Government Pleader high Court,Madras
sr 52212

W.P.No. 30110 of 2015

aa25/09/2015



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