

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.6147 of 2015 and
M.P.Nos.1 and 2 of 2015

A.Mayavan

... Petitioner

vs.

1.The District Collector,
Villupuram District, Villupuram - 605 602.

2.Kiliyur Village Panchayat,
Rep. by its President,
Ulundurpet Taluk, Villupuram District.

3.Block Development Officer,
Panchayat Union,
Mayilam Ulundurpet,
Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondents 1 to 3 not to prevent the petitioner from discharging his duties as Panchayat Clerk of the 2nd respondent Panchayat, pay salary due and other benefits promptly.

For Petitioner : Mr.S.Saravana Kumar

For Respondents: Mr.K.V.Dhanapalan
Addl.Govt. Pleader for R1

Mr.R.Ravichandran
Addl.Govt. Pleader for R2 and R3

O R D E R

The petitioner was working as Panchayat Clerk in Kiliyur Village Panchayat, Ulundurpet since 01.04.1997. It is the case of the petitioner that he was abruptly denied employment with effect from 01.09.2014 on the ground that he belongs to Schedule Caste and the President belongs to caste Hindu community. It is also the case of the petitioner that he was not paid salary from 01.01.2014 to 31.08.2014. Though he made representation, no action has been taken on the said representation. Hence, the petitioner has come up with this writ petition, seeking for a direction to respondents 1 to 3 not to prevent the petitioner from discharging his duties as Panchayat Clerk of the 2nd respondent Panchayat.

2. When the matter came up for admission on 10.04.2015, this Court passed the following order:-

"The petitioner states that he was working as Panchayat Clerk in Kiliyur Panchayat in Mayilam (sic) Panchayat Union since 01.04.1997. It is the case of the petitioner that the second respondent, orally stopped him from discharging his duties with effect from 31.08.2014. The petitioner has made allegation that since he belongs to Schedule Caste and the President belongs to caste Hindu community, he was denied employment. However, I am not going into the said allegation.

2. Before removing a person from employment, the concerned authority should issue charge sheet, obtain explanation, hold enquiry and thereafter pass an order of removal. During the pendency of the disciplinary proceedings, at the most, the employee could be placed under suspension. But no employee could be simply kept out of employment as alleged by the petitioner.

3. The petitioner made a representation dated 03.11.2014 to the District Collector, Villupuram. The District Collector forwarded the said representation to the third respondent, viz., Block Development Officer to take necessary action. But the third respondent has not taken any action on the said representation. Hence, the petitioner has come up with this writ petition, forbearing the respondents from discharging his duties.

4. Taking into account the nature of allegation made by the petitioner, the District Collector, Villupuram is directed to enquire into the matter and report to this Court on or before 02.06.2015.

Notice of motion returnable by 03.06.2015."

3. Today when the matter is taken up for hearing, Mr.R.Ravichandran, learned Additional Government Pleader would submit that the matter was resolved by the District Collector and petitioner was posted at Kiliyur Village Panchayat in Ulundurpet Panchayat Union, vide order dated 09.06.2015. He would further submit that the petitioner joined in the said place on 12.06.2015. The submission made by the learned Additional Government Pleader is recorded.

4. In view of the submission made by the learned Additional Government Pleader, the learned counsel for the petitioner has submitted that though the petitioner was denied wages from 01.01.2014 to 11.06.2015 illegally, the petitioner would be satisfied if the said period is regularised.

5. In fact, I am of the view that the petitioner is entitled to salary for the aforesaid period. However, in view of the narration of events as stated above, taking into account the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner, the first respondent is directed to regularise the period of service from 01.01.2014 to 11.06.2015 of the petitioner so that there cannot be any break in service and it would not affect his future benefits.

6. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki
To

1.The District Collector,
Villupuram District, Villupuram - 605 602.

2.The Block Development Officer,
Panchayat Union,
Mayilam Ulundurpet,
Villupuram District.

+1cc to M/s. S. Saravana Kumar, Advocate, S.R.No.30374

+1cc to the Government Pleader, S.R.No.30085

MP (CO)
EU (25/08/2015)

Writ Petition No.6147 of 2015