

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.5677 of 1988

K.Veerapandian

... Petitioner

Vs

1. The Tahsildar,
Kattumannarkoil Taluk,
South Arcot District.

2. The Revenue Divisional Officer,
Chidambaram,
South Arcot District.

3. The District Revenue Officer,
South Arcot District,
Cuddalore.

4. Balakrishnan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records pertaining to the orders of the second respondent passed in Mu.Mu.No.16381/86, dated 30.08.1987 and also the order of the third respondent passed in Na.Ka.No.G.1/165987/87, dated 20.04.1988 and quash the order dated 20.04.1988 passed by the third respondent confirming the order of the second respondent dated 30.08.1987.

For petitioner : Mr.P.Anbarasan
for M/s.B.Soundarapandian

For R1 to R3 : Mr.A.Kumar,
Special Government Pleader

For R4 : No Appearance

O R D E R

By way of filing this writ petition, the petitioner seeks to quash the impugned proceedings dated 20.04.1988 of the third respondent / the District Revenue Officer, Cuddalore, confirming the order passed second respondent / Revenue Divisional Officer, Chidambaram, on 30.08.1987, in and by which, the respondents 2 and 3 set aside the order of appointment given to the petitioner appointing him as Village Kavalar in Suravizhundur Village, Kattumanarkoil Taluk.

2. Heard the learned counsel appearing on either side.

3. It is seen that the petitioner was appointed as Village Kavalar by the Tahsildar, Kattumannarkoil Taluk, by his proceedings dated 08.10.1986. However, on receiving a complaint from one Mr. Balakrishnan, who was a third party to the said proceedings, the second respondent had passed an order dated 30.08.1987 by setting aside the order of appointment made to the petitioner. It is also seen from the available records that the fourth respondent is not at all an aggrieved person as he did not prefer any application for appointment to the said post. Aggrieved by the order passed by the second respondent, the petitioner had preferred a revision petition before the third respondent, who, in turn, by holding that there was no publication of notice for appointment to the said post, confirmed the order passed by the second respondent. It is also further seen from the records that the petitioner has been working continuously pursuant to the order of interim stay granted by the third respondent / the District Revenue Officer, Cuddalore, in Na.Ka.No.G.1/165987/87, dated 12.11.1987.

4. The only ground in which the respondents have quashed the impugned order was that the said Tahsildar, before appointing the petitioner, did not issue publication calling for applications from the eligible candidates for appointment to the post of Village Kavalar. It is seen from the records that since the said post fell vacant due to the retirement of one Mr. Nagooran, the first respondent published a notification by way of Thandora in the said Village. Thereafter, the petitioner along with two others, namely, Desinghu and Chandra Mohan, applied for the said post. The first respondent, upon scrutinizing the applications received by him, selected the petitioner for the post of Village Kavalar, by rejecting two other persons on the ground that they were outsiders. Thus, the impugned orders passed by the respondents 2 and 3 in cancelling the appointment of the petitioner, are not sustainable, for, as stated above, the first respondent, by following the due procedures of law, appointed the petitioner for the said post.

5. Be that as it may, the fourth respondent, who made a complaint against the appointment of the petitioner, has no locus standi to prefer the complaint, since he did not even make any application for appointment to the said post. Therefore, by taking note of the fact that the petitioner has been working continuously from the year 1987 pursuant to the order of interim stay granted by the third respondent as stated above, this Court is not inclined to quash the order of appointment given to the petitioner. Hence, on this score, the impugned orders passed by the respondents 2 and 3 in cancelling the appointment of the petitioner are set aside.

6. In fine, for the reasons stated above, the writ petition stands allowed. No Costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Tahsildar,
Kattumannarkoil Taluk,
South Arcot District.
2. The Revenue Divisional Officer,
Chidambaram,
South Arcot District.
3. The District Revenue Officer,
South Arcot District,
Cuddalore.

+1cc to M/s.B.Soundarapandian, Advocate, S.R.No.17181

W.P.No.5677 of 1988

KJI (CO)
CA(06/04/2016)