

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2016

Coram

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No. 10805 of 2016
and
W.M.P.No.9441 of 2016

S.Desingu Raj

...Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Assistant Director,
(Panchayats)
Madurantagam,
Kancheepuram District.

3. The Block Development Officer,
Chittamoor,
Kancheepuram District.

4. The Panchayat President,
Sunampedu Village Panchayat,
Chittamoor Village Union,
Kancheepuram District.

5. Tr.Muruguan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 3 to permit the petitioner to continue as Field Incharge in Velur Village, Sunampedu Village Panchayat, under the MGNRDES Scheme (Mahatma Gandhi National Rural and Development Employment Scheme), pursuant to the Resolution Subject No.355 passed by the fourth respondent immediately.

For Petitioner : Mr.M.V.Muralidaran

For Respondents 1 &2 : Mr.R.Rajeswaran
Special Government Pleader

For Respondents 3 & 4 : Mr.Zakir Hussain
Government Advocate

O R D E R

The petitioner has filed this Writ Petition seeking for issuance of a Writ, in the nature of Mandamus upon respondents 1 to 3 to permit the petitioner to continue as Field Incharge in Velur Village, Sunampedu Village Panchayat, under the Mahatma Gandhi National Rural and Development Employment Scheme, pursuant to the Resolution passed by the fourth respondent, in Subject No.355.

2. Heard Mr.M.V.Muralidaran, the learned counsel appearing for the petitioner and Mr.R.Rajeswaran, the learned Special Government Pleader, who accepts notice for respondents 1 & 2, and Mr.Zakir Hussain, the learned Government Advocate, who accepts notice for respondents 3 and 4. With the consent of the parties, the main Writ Petition is taken up for final disposal at the admission stage.

3. The petitioner's grievance is that, he has been unceremoniously removed from the post of Field in charge of the Mahatma Gandhi National Rural and Development Employment Scheme, a scheme to be implemented in the Village. The petitioner would state that, by a resolution passed by the fourth respondent, he was nominated as Field incharge Officer of the said Scheme, but, unceremoniously he has been removed, and the fifth respondent has been appointed. The petitioner's only grievance is that, without even granting an opportunity of being heard, such an order has been passed.

4. First of all, it is not known as to what is the nature of duties and responsibilities that are expected to be discharged by a Field incharge, employed under the said Central Government Scheme. Similarly, it is not known as to whether there are any conditions of service prescribed for the said post, etc., It appears that, it is not an employment, but probably, the work assigned to a person in the Village to work in coordination with the Village Panchayat. Therefore, at this stage, this Court is not inclined to issue any positive direction, as sought for by the petitioner in this Writ Petition, However, since it is seen that there is a representation given to the second respondent with copies marked to the respondents 3 and 4, this Court proposes to dispose of the Writ Petition by issuing the following directions:-

i) The petitioner is directed to submit a fresh representation along with a copy of this order and the earlier representation and other relevant records to the second respondent, who shall consider the same and pass orders on merits and in accordance with law within a period of three weeks from the date of receipt of such representation, after notice to the petitioner and the fifth respondent.

ii) It is made clear that this Court has not gone into the merits of the allegations made by the petitioner in his representation, and it is open to the second respondent to take note of the same.

iii) Likewise, this Court has not issued order restraining the fifth respondent from discharging his duty, who shall do it in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sd
To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Assistant Director,
(Panchayats)
Madurantagam,
Kancheepuram District.
3. The Block Development Officer,
Chittamoor,
Kancheepuram District.
4. The Panchayat President,
Sunampedu Village Panchayat,
Chittamoor Village Union,
Kancheepuram District.

+1cc to Mr.M.v. Muralidharan, Advocate, S.R.No.18478

+1cc to the Government Pleader, S.R.No.18675

VSN(CO)

EU(04/041/2016)

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