

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T. RAJA

Writ Petition No.23842 of 2012

P.Thangadurai

... Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Block Development Officer
(Village Panchayat),
Gummidipoondi Panchayat Union,
Gummidipoondi, Tiruvallur District.

3. The Panchayat President,
A.N.Kuppam Panchayat,
Gummidipoondi Panchayat Union,
Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Mandamus, directing the 3rd respondent to permit the petitioner to discharge his functions in the duly appointed post of Panchayat Clerk, with all benefits including arrears of salary, as ordered by the 2nd respondent, in his letter in R.C.No.1054/2007/A6, dated 01.06.2007 and further confirmed by the 1st respondent in Emergent Memorandum, dated 01.03.2012, issued in R.C.No.36643/2009/BD1.

For Petitioner : Mr.N.Anand Venkatesh

For Respondents 1 to 3 : Mr.R.Vijayakumar,
Addl. Govt. Pleader

O R D E R

This writ petition has been filed for a Mandamus, directing the 3rd respondent to permit the petitioner to discharge his functions in the duly appointed post of Panchayat Clerk, with all benefits including arrears of salary, as ordered by the 2nd respondent, in his letter in R.C.No.1054/2007/A6, dated 01.06.2007 and further confirmed by the 1st respondent in Emergent Memorandum, dated 01.03.2012, issued in R.C.No.36643/2009/BD1.

2. Learned Additional Government Pleader appearing for the respondents submitted that when the first order, dated 01.06.2007, was passed by the Block Development Officer (Village Panchayat), Gummidipoondi Panchayat Union, 2nd respondent herein, directing the then President of A.N.Kuppam Panchayat, Gummidipoondi Panchayat Union, Thiruvallur District, to permit the petitioner to discharge his functions, as Panchayat Clerk, one Mrs.E.Govindammal, W/o. Mr.Ettiyappan, was in the Office. After sometime, since the said order was not complied with, the petitioner has made a representation to the District Collector, Thiruvallur District, 1st respondent herein, who is the Inspector of Panchayats and after analysing the case of the petitioner, the District Collector, Thiruvallur District, 1st respondent herein, while accepting the order passed by the Block Development Officer (Village Panchayat), Gummidipoondi Panchayat Union, 2nd respondent herein, has passed another proceedings, dated 30.11.2007, directing the President of Village Panchayat, to continue in the service as Panchayat Clerk. At that time, one R.Govindammal, W/o. Mr.Ravi, was in the Office of the President. However, due to the change of Panchayat President, both the orders could not be complied with. Now a new President, Mrs.S.Malika, W/o. Mr.Selvam, has been elected to A.N.Kuppam Village Panchayat. However, in view of the Election Code of Conduct, the 3rd respondent is not in a position to issue any appointment order, since the same has to be placed before the Panchayat Council.

3. Narrating the above facts, learned Additional Government Pleader submitted that if a reasonable time is given, after election, both the orders of appointment and payment of arrears, would be handed over to the petitioner. Recording the above statement, respondents 2 and 3 are directed to produce the orders, as undertaken by the learned Additional Government Pleader, with regard to the appointment of the petitioner and also the payment of arrears, since 2007.

4. With the above direction, the Writ Petition is disposed of. No costs.

5. However, post this matter for reporting compliance on 01.06.2016.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skm

To

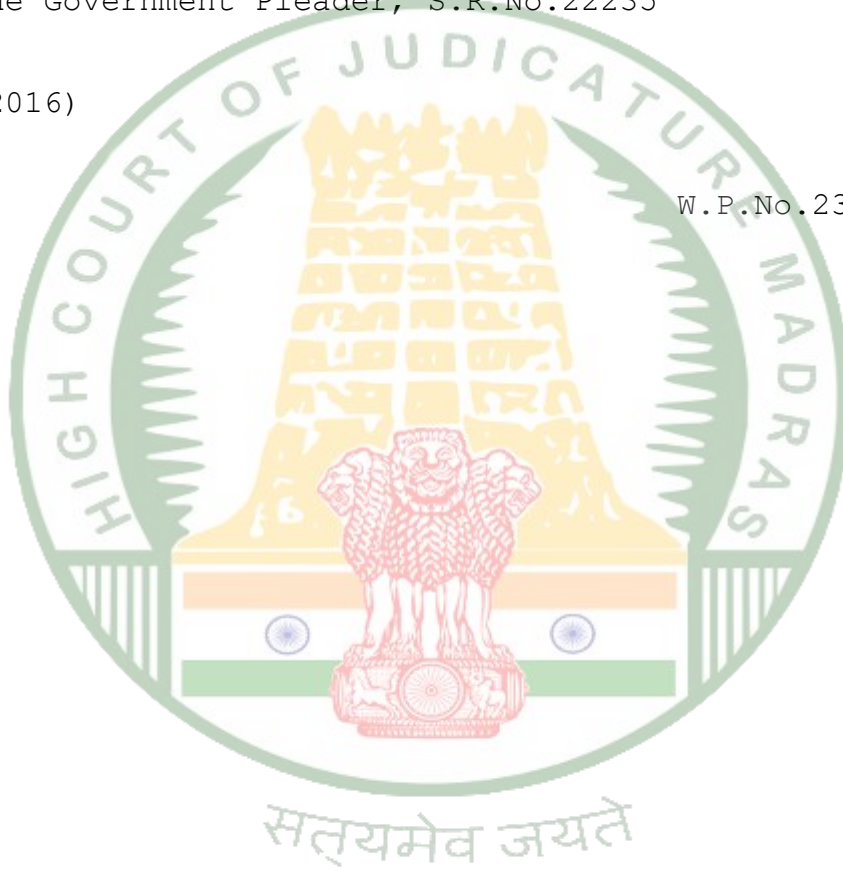
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+1cc to the Government Pleader, S.R.No.22235

RK(CO)
EU(20/05/2016)

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