

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32863 of 2016
and W.M.P.No.28406 of 2016

S.Marudhachala Moorthy

... Petitioner

vs.

1.The Principal Secretary,
Rural Development and Panchayat
Department,
Secretariat, Fort George,
Chennai-9.

2.The District Collector,
Thanjavur,
Thanjavur District.

3.The Personal Assistant,
To the District Collector,
(Development), Collectorate,
Thanjavur.

4.The Block Development Officer,
(Village Panchayat),
Office of the Panchayat Union,
Tiruvonam, Thanjavur District.

5.The President,
Unchiyaviduthi Village Panchayat,
Unchiyaviduthi,
Tiruvonam Taluk,
Thanjavur District

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1, 4 and 5 to implement the order of the second respondent in his proceedings Na.Ka.No.2686/2016/K5, dated 20.4.2016.

For Petitioner : Mr.P.Sivakumar

For Respondents : Mr.N.Srinivasan,
Addl. Govt. Pleader,
for R1 to R3
Ms.K.Bhavuneswari,
Govt. Advocate
for R4 and R5.

ORDER

By consent, the main writ petition itself is taken up for final hearing.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1, 4 and 5 to implement the order of the second respondent in his proceedings in Na.Ka.No.2686/2016/K5, dated 20.4.2016.

3. It is the case of the petitioner that he was appointed as panchayat Assistant on 1.7.1998 as per G.O.Ms.No.250 dated 15.11.1996 by the President of Kavalipatti Panchayat. While he was discharging his duties as Village Panchayat, he was suspended from service on 5.7.2013 on the ground of insubordination of service, by the fourth respondent in his proceedings dated 5.7.2013. Thereafter, he was reinstated into service by the third respondent and was posted as Panchayat Secretary and later, he was transferred from Kavalipatti Village Panchayat to Thaligaividuthi on 7.7.2014 by the fourth respondent. While so, by the proceedings of the fourth respondent dated 10.9.2015, he was transferred from Thaligaividuthi to Padhirankottai and again, on 5.11.2015, he was transferred to Unchiyaviduthi Village, within two months. After receipt of the said order, he approached the fifth respondent, but, he was not allowing the petitioner to join duty. Thus, he has been pushed to pillar to post. When he was under suspension, the President of Kavalipatti Panchayat has not disbursed his salary for the period of nine months to the tune of Rs.68,229/-. Though he made several representations for disbursement of the salary, the same was not considered. Hence, the petitioner approached this Court by filing a writ petition in W.P.No.7325 of 2016 and this Court, by order dated 29.2.2016, directed the respondents therein to consider his representation on merits and in accordance with law. Thereafter, the second respondent, by proceedings dated 20.4.2014, passed orders in favour of the petitioner directing the respondents 4 and 5 to disburse the salary for nine months and allow the petitioner to join duty. However, the respondents 4 and 5 allowed the

petitioner to join duty only after a lapse of four months i.e., on 1.7.2016. Even after joining duty, the respondents 4 and 5 have not disbursed his salary for nine months. Further, the petitioner is also entitled to get salary for four months from 29.2.2016 till 30.6.2016. However, they have not disbursed the same. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents 1 to 3 and the learned counsel, who has taken notice on behalf of the fourth respondent.

5. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record and I find that though the second respondent has passed an order dated 20.4.2016, directing the respondents 4 and 5 to disburse the salary for nine months to the petitioner, the same was not implemented so far. Therefore, I am of the opinion, it would be appropriate to direct the respondents 4 and 5 to implement the order of the second respondent.

6. Accordingly, the respondents 4 and 5 are directed to implement the proceedings of the second respondent in Na.Ka.No.2686/2016/K5, dated 20.4.2016, within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Principal Secretary,
Rural Development and Panchayat
Department,
Secretariat, Fort George,
Chennai-9.

2.The District Collector,
Thanjavur,
Thanjavur District.

3.The Personal Assistant
To the District collector
Development collectorate,
Thanjavur.

4.The Block development officer
(village panchayat)
office of the panchayat union,
tiruvonam.
Thanjavur District.

5.The president
Unchiyaviduthi village panchayat
Unchiyaviduthi
Tiruvonam taluk
Thanjavur district.

+lcc to Mr.P.Sivakumar, Advocate, S.R.No.53063
+lcc to the Government Pleader, S.R.No.53504

(CO) TM
CP(20/10/2016)

W.P.No.32863 of 2016

सत्यमेव जयते

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