



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

W.A(MD)No.1152 of 2016
and
C.M.P(MD) .No.7295 of 2016

The Panchayat President,
Melasankarankuzhi,
First Grade Panchayat,
Santhapuram Post,
Kanyakumari District.

: Appellant/3rd Respondent

Vs.

1.N.Thangakrishnan

:1st Respondent/Petitioner

2.The District Collector,

Kanyakumari District Collectorate,
Nagercoil - I, Kanyakumari District.

3.The Block Development Officer,

Rajakkamangalam Panchayat Union,
Pazhavilai, Rajakkamangalam Post,
Kanyakumari District.

: Respondents Nos.2&3/

Respondents Nos. 1 & 2

PRAYER: Appeal is filed under Clause 15 of the Letters Patent against the order dated 05.10.2012 made in W.P.(MD).No.9588 of 2010.

WP(MD) .No. 9588/2010 : Writ petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order impugned order dated 23.12.2008, quash the same and consequently direct the 3rd respondent to reinstate the peitioner into service as Panchayat Assistant with all monetary and attendant service benefits.

For Appellant

: Mr.C.Godwin

For Respondent No.1

: Mr.K.Kumaravel

For Respondent Nos.2&3

: Mr.A.K.Baskarapandiyan

Special Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **K.K.SASIDHARAN, J.**]

This Intra-Court Appeal is directed against the order dated 05.10.2012, in W.P.(MD).No.9588 of 2010, whereby and whereunder the learned Single Judge quashed the order of removal from service and directed reinstatement of the first respondent herein.

2. The order passed by the learned Single Judge is challenged primarily on the ground that the counsel, who appeared on behalf of the appellant, failed to inform the Court with regard to the resolution passed by the panchayat removing the first respondent from service.

3. Mr.K.Kumaravel, learned counsel appearing on behalf of the first respondent, submitted that nothing survives for adjudication in the Writ Appeal, in view of the subsequent events, as, according to the learned counsel, pursuant to the order passed by the learned Single Judge, the appellant conducted enquiry and thereafter, the first respondent was removed from service.

4. In view of the subsequent events, relating to the removal of the first respondent from service, after conducting enquiry, nothing survives for adjudication in this Intra-Court Appeal.

5. The Writ Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Kanyakumari District Collectorate,
Nagercoil - I, Kanyakumari District.
 - 2.The Block Development Officer,
Rajakkamangalam Panchayat Union,
Pazhavilai, Rajakkamangalam Post,
Kanyakumari District.
- +1cc to Mr.C.Godwin,Advocate SR.No. 41363
+1cc to Mr.K.Kumaravel, Advocate SR.No. 41509
+1cc to Special Government Pleader SR.No. 41538

NB

JA-SK-SKN-09.08.2016/2P:6C