

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2122 of 2017

Ilayakanthan

... Petitioner

Vs

1. The District Collector
Vellore District, Vellore

2. The Block Development Officer
Walajah Union, Walajah
Vellore District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents herein to consider the petitioner's representation dated 23-12-2016 with regard to regularization of his appointment to the post of Panchayat Assistant/Secretary, Walajah Panchayat Union, Vellore District from 30-03-2015 onwards and pass orders.

For petitioner :Mr.P. Subbaraj

For respondents:Mr. K. Dhananjayan, Spl.G.P. For R1

Mr. K.V. Dhanapalan, Spl.G.P. For R2

ORDER

Mr. K. Dhananjayan, learned Spl.G.P. accepts notice for R1 and Mr.K.V. Dhanapalan, learned Spl.G.P., accepts notice on behalf of R2.

2. By consent, the writ petition is taken up for final disposal.

3. The petitioner was selected and appointed as a Panchayat Assistant and his appointment was also approved by the Local Body on 30-03-2014. The petitioner continue to discharge his duty as a Panchayat Assistant from 30-03-2015. The petitioner would further aver that as per G.O.Ms.No.72, Rural Development and Panchayat Raj (E5) Department dated 09-07-2013, the Personal Assistant to the District Collectors are empowered as Appointing Authority for the post of Panchayat Assistants/Panchayat Secretaries and divested such powers from the Panchayat President and against this Government Order, W.P.

(MD)No.16884 of 2013,12030 of 2014 and W.P.No.8151 of 2016 were filed and this Court has granted interim stay pending writ petitions. Further, it is the case of the petitioner that W.P.No.43892 of 2016, which was filed by a similarly placed person was allowed by this Court on 21-12-2016 and his appointment is based on the provisions of Section 106 of the Tamil Nadu Panchayat Act, 1994. In such a view of the matter, the petitioner prays for regularisation of his appointment and service from 30-03-2016 onwards and has also filed a representation dated 23-12-2016. Though it was served and acknowledged, no orders have been passed. Aggrieved by the same, the present writ petition has been filed.

4. This Court, heard the submissions of the learned counsel for the petitioner and the learned Government Advocate.

5. Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioner, directs the first and second respondents to consider and dispose of the petitioner's representation dated 23-12-2016, on merits and in accordance with law, and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

glp
To

1. The District Collector,
Vellore District, Vellore.

2. The Block Development Officer,
Walajah Union, Walajah,
Vellore District.

+1cc to Mr.P.Subbaraj, Advocate Sr.5408
+1cc to the Government Pleader Sr.5975

W.P.No.2122 of 2017

ksj[co]
srg 23/2/2017