

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.14757 of 2017

G. Venkatsubramanian

Petitioner

vs.

- 1 The District Collector
Cuddalore District
Cuddalore
- 2 The Block Development Officer
(Village Panchayat)
Vridhachalam Panchayat Union
Vridhachalam
Cuddalore District
- 3 The President
Chinnakandianguppam Panchayat
Vridhachalam Panchayat Union
Vridhachalam
Cuddalore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the petitioner's claim for reinstatement in service in the post of Panchayat Assistant in the light of the proceedings of the second respondent in Na.Ka.No.A1/1783/2016 dated nil. 2016 on merits and in accordance with law within a time limit.

For petitioner Mr. P. Ganesan

For RR 1 & 2 Mr. T.M. Pappiah
Special Government Pleader

For R3 Mr. S.V. Duraisolaimalai

ORDER

This writ petition has been preferred seeking a writ of mandamus directing the first respondent to consider the petitioner's claim for reinstatement in service in the post of Panchayat Assistant in the light of the proceedings of the second respondent in Na.Ka.No.A1/1783/2016 dated nil. 2016 on merits and in accordance with law within a time limit.

2 The petitioner's father was serving as Panchayat Assistant and he died in harness on 17.11.2004. The third respondent Panchayat, by passing a resolution on 07.03.2005, appointed the petitioner as Panchayat Assistant on part time basis on 07.03.2005 and the petitioner also worked till 30.09.2006. However, subsequently, he did not attend office citing severe ailment suffered by his mother as the reason. After a break of almost 1 ½ years, he approached the respondents 2 and 3 seeking reinstatement in service. But, the said request was turned down on the ground that he was already terminated from service. Feeling aggrieved, the petitioner filed W.P. No.1575 of 2008 before this Court seeking a writ of mandamus directing the respondents therein to appoint him in the post of Panchayat Assistant permanently with all consequential service and monetary benefits in Chinnakandianguppam Panchayat with effect from the date of his initial appointment in the Vridhachalam Panchayat Union. But, the said writ petition was dismissed by order dated 30.11.2009. However, the petitioner was granted liberty to work out his remedy against the appointment made by the respondents 2 and 3 and also the resolution passed terminating his services in the manner known to law. Thereafter, the petitioner is said to have addressed repeated representations to the respondents seeking reinstatement in service and finally, he has made one more reminder representation on 04.11.2016 reiterating his request to reinstate him in service. Subsequent thereto, the second respondent is said to have addressed a proposal to the first respondent to reinstate the petitioner in service. As there has been no response to the same, the petitioner has filed the instant writ petition seeking the aforesaid relief.

3 Given the petitioner's past record and conduct, this Court is not inclined to entertain this writ petition. The reason is, it is his own case that he was appointed on compassionate ground by the third respondent Panchayat on 07.03.2005 by passing a resolution and that he did not attend duty from 30.09.2006 citing his mother's ailment as the reason. It is not known as to how, for more than 1 ½ years, he did not even attend office. Therefore, when he approached this Court by

filing W.P. No.1575 of 2008, the said writ petition was dismissed by order dated 30.11.2009 on merits. Although liberty was given to the petitioner to work out his remedy and the second respondent also has forwarded a proposal to the first respondent to reinstate him in service, this Court is not inclined to show any more indulgence as he was unauthorisedly absent for a long time.

Resultantly, this writ petition stands dismissed. No costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

cad

To

- 1 The District Collector
Cuddalore District
Cuddalore
- 2 The Block Development Officer
(Village Panchayat)
Vridhachalam Panchayat Union
Vridhachalam
Cuddalore District
- 3 The President
Chinnakandianguppam Panchayat
Vridhachalam Panchayat Union
Vridhachalam
Cuddalore District

+1cc to Mr.P.Ganesan, Advocate sr.41641

+1cc to Government Pleader sr.42210

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scd(co)
ss(29/6/2017)