

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33618 of 2015

and

M.P.No.1 of 2015

C.Govindasamy

.. Petitioner

Vs

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Block Development Officer,
Jayamkondam Panchayat Union,
Jayamkondam,
Ariyalur District.

3.The President,
Pillaiyarpalayam Panchayat,
Ariyalur District,
Ariyalur.

4.The Assistant Director (Panchayat),
Collectorate Office,
Ariyalur, Ariyalur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records made in Na.Ka.No.4179/2015/VUVa.4, dated 29.09.2015 on the file of First Respondent herein and quash the same as illegal and direct the first respondent herein to re-appoint the petitioner as Panchayat Clerk in Ariyalur District with backwages and attendant benefits.

For Petitioner : No appearance

For Respondents: Mr.M.Perumal
Government Advocate
for R1 & R4
Mr.S.Gunasekaran
Additional Government Pleader
for R2 & R3

ORDER

The order of rejection dated 29.09.2015 issued by the first respondent in respect of the claim of the writ petitioner to reappoint him in the post of Panchayat Clerk in Ariyalur District is under challenge this writ petition.

2. The affidavit filed in support of the writ petition states that the writ petitioner was appointed as part time Clerk in the third respondent/Panchayat in the year, 1999 and was discharging his duties. However, on account of certain allegations, a show cause notice was issued and thereafter the writ petitioner was terminated from service by way of a resolution passed by the third respondent dated 29.05.2003 in resolution No.32. The petitioner preferred an appeal before the first respondent on 22.09.2007 to reinstate him into the service. However, the Assistant Director (Panchayat), Ariyalur District passed an order in proceedings dated 19.10.2009, recommending the case of the writ petitioner. However, the third respondent has not passed any orders in relation to the reinstatement of the writ petitioner. The petitioner submitted further representation before the first respondent on 01.12.2014 and the respondents has not considered the same. Thereafter, the petitioner filed WP.No.22440/2015 and this Court passed an order issuing direction, directing the first respondent to consider the representation submitted by the writ petitioner dated 01.12.2014 in the light of the proceedings dated 19.10.2009 of the fourth respondent and pass orders within a period of eight weeks from the date of receipt of a copy of this order. Pursuant to the direction issued by this Court, the order dated 29.09.2015 was issued which is impugned in this writ petition. On perusal of the order impugned, the writ petitioner has submitted an application seeking reappointment and the same was not considered.

3. The learned Additional Government Pleader on behalf of the respondents submitted that the writ petitioner has not challenged the original order of termination in the writ petition dated 06.06.2003, contrarily the petitioner is seeking reappointment. The terminated employee cannot be consider for reemployment. Thus, the order of rejection is in accordance with law and there is no irregularity. The fact remains that the writ petitioner was terminated from service in the year 2003 itself, now after lapse of 13 years, the question of reappointment by way of a representation does not arise at all. This apart, the order of termination has not been challenged by the writ petitioner during the relevant point of time and therefore, this Court is of the view that there is no infirmity in the order passed by the respondent, which is impugned in this writ petition. In this view of the matter, the other grounds

raised in the writ petition deserves no further consideration.

4. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Block Development Officer,
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Jayamkondam,
Ariyalur District.

3.The President,
Pillaiyarpalayam Panchayat,
Ariyalur District,
Ariyalur.

4.The Assistant Director (Panchayat),
Collectorate Office,
Ariyalur, Ariyalur District.

+1cc to Mr.R.Sankarasubbu, Advocate SR.No.67543

+1cc to Mr.S.Gunasekaran, Advocate SR.No.67625

+1cc to Government Pleader SR.No.67556

सत्यमेव जयते

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SDR 06.10.2017

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