

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.2777 of 2012

G.Arul Vendhan

Appellant

Versus

1. Inspector of Panchayats and
District Collector,
Salem District, Salem.
2. Additional Director of Panchayats,
Salem.
3. Block Development Officer,
Thalaivasal Panchayat Union,
Thalaivasal, Attur Taluk, Salem District.
4. President,
Deviakurichi Village Panchayat,
Deviakurichi, Attur Taluk, Salem District.

5. A.Chinnasamy

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 20.4.2012 passed in W.P.No.7966 of 2008 on the file of this court.

WP.NO.7966 of 2008

Writ of Mandamus calling for the records pertaining to the order passed by the 1st respondent in his proceedings Na.Ka.No. 2592/2005/A5 dated 18.7.2006 and the order passed in his Proceedings Na.Ka.No. 2592/2005/A5 dated 14.1.2008 and quash the same and direct the respondent to reinstate the petitioner in service as panchayat Assistant in the 4th respondent Village Panchayat and confer all the consequential benefits.

For appellant : Mr.P.Ganesan for
M/s.C.S.Associates

For RR1 to 4 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

JUDGMENT

(Judgment of the court was made by RMT.TEEKAA RAMAN, J.)

Challenging the correctness of the order passed by the learned Single Judge wherein the claim of the writ petitioner for reinstatement as Village Panchayat Assistant was rejected, the present writ appeal has been filed.

2. It is represented by the learned Special Government Pleader that the fourth respondent President of the Panchayat has appointed the fifth respondent in the place of the petitioner and hence, nothing survives for adjudication in the writ appeal.

3. On going through the materials placed before us, we find that only after due enquiry, the petitioner/appellant appears to have been removed from service on 18.7.2006 and as against the same, he made a representation to the District Collector and the District Collector, by his proceedings dated 4.5.2007, issued the order stating that the case of the appellant can be considered for appointment, however, in the meanwhile, the fifth respondent was appointed in his place and hence, as of now, there is no vacancy for the post of Panchayat Assistant.

4. The above aspects have been properly appreciated by the learned Single Judge while rejecting the claim of the appellant. After hearing both the parties and perusing the order passed by the learned Single and also taking note the subsequent development that the fifth respondent has already been appointed in the vacancy that has arisen due to the removal of the appellant, we are of the view that the claim of the appellant/writ petitioner cannot be entertained and accordingly, the writ appeal is disposed of. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ssk.

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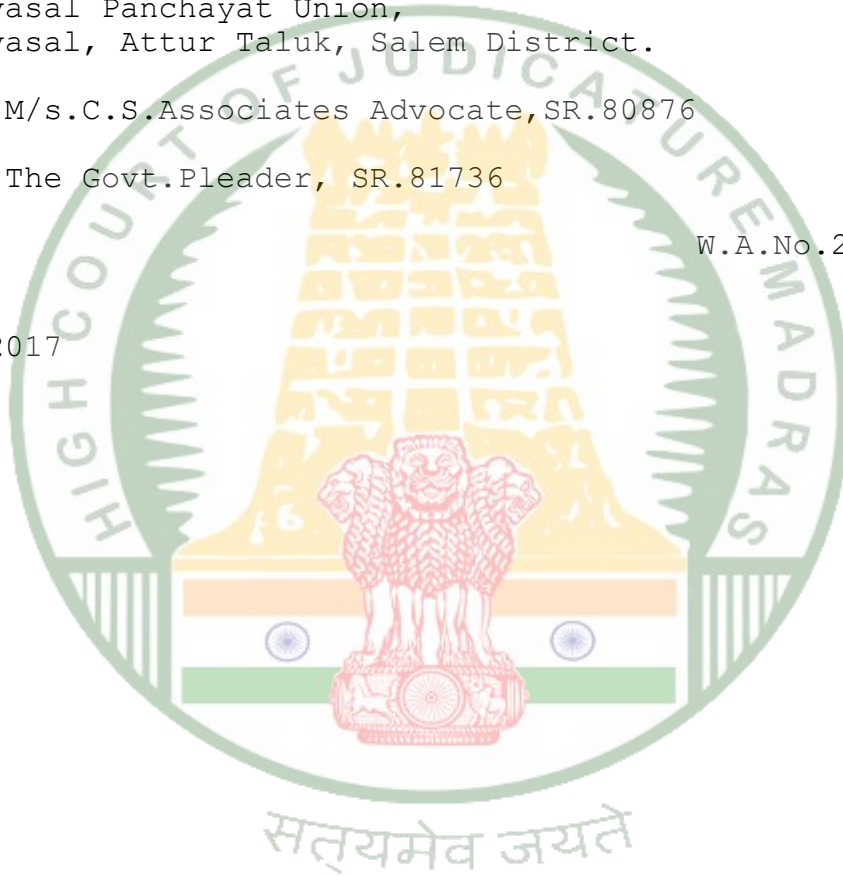
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Thalaivasal, Attur Taluk, Salem District.

+ 1 cc to M/s.C.S.Associates Advocate, SR.80876

+ 1 cc to The Govt.Pleader, SR.81736

W.A.No.2777 of 2012

rk(co)
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