



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

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CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. [MD].No.720 of 2014
and
M.P. (MD) Nos.2 and 3 of 2014

S.Uthramurugan

: Appellant

Vs.

1. The Government of Tamil Nadu
rep. By its Secretary,
Rural Development and Local Department,
Fort St. George, Chennai - 9.
2. The District Collector,
Madurai District, Madurai.
3. The Commissioner,
Madurai East Panchayat Union, Madurai.
4. The Block Development Officer,
Madurai East Panchayat Union, Madurai.
5. The Chairman,
Madurai East Panchayat Union,
Madurai-107.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 03.09.2013 made in W.P.(MD).No.14481 of 2012, on the file of this Court.

Prayer in WP(MD). 14481/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to pass necessary orders thereby appointing the petitioner as Office Assistant in the 5th respondents union.



For Appellant

: Mr.R.Saravanan

For Respondents

: Mr.V.Muruganantham, AGP

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Saravanan, learned counsel appearing for the appellant and Mr.V.Muruganantham, learned counsel for the respondents.

2.This appeal is directed against the order dated 03.09.2013 in W.P.(MD) No.14481 of 2012.

3.The appellant filed the writ petition, to direct the respondent to appoint him as Office Assistant. His claim was based on the fact that he was engaged by 5th respondent, the Chairman of the Panchayat Union to look after a marriage hall owned by the 5th respondent from the year 2006 without any salary. Subsequently, in 2007, resolution was passed and meagre amount of remuneration was paid to him and he made a request on 21.07.2008 to appoint him as Office Assistant. However, since, he has not been appointed, the petitioner submitted a representation and subsequently approached this Court. The writ petition was dismissed by the learned Single Judge after referring to the decision of the Hon'ble Supreme Court in **State of Karnataka Vs Umadevi** reported in **(2006) 4 SCC 1**.

4.We are fully in agreement with the view expressed by the learned Single Judge and there is no merit in this appeal. Counsel for the appellant seeks to rely upon the Tamil Nadu Panchayat Establishment (Qualification and Recruitment of Office Assistant) Rules and submitted that the petitioner is entitled to be considered for being appointed as Office Assistant from the category of a contingency work. Admittedly, the petitioner was only engaged by 5th respondent, the Chairman of the Panchayat Union to look after a marriage hall and there is no order of appointment passed by the competent authority.

5.Thus, no grounds have been made out to interfere with the order passed by the learned Single Judge, The writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar



To

1. The Secretary,
Government of Tamil Nadu
Rural Development and Local Department,
Fort St. George, Chennai - 9.
2. The District Collector,
Madurai District, Madurai.
3. The Commissioner,
Madurai East Panchayat Union, Madurai.
4. The Block Development Officer,
Madurai East Panchayat Union, Madurai.
5. The Chairman,
Madurai East Panchayat Union,
Madurai-107.

+1cc to Mr.R.Saravanan, Advocate Sr.No.52910
+1cc to Spl.Government Pleader Sr.No.53148

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vb/jc/04.05.2017/3p/8c

**JUDGMENT MADE IN
W.A. [MD] .No.720 of 2014
and
M.P. (MD) Nos.2 and 3 of 2014**

19.04.2017