



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2017

CORAM

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THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P. (MD) No.14450 of 2014

and

M.P. (MD) No.1 of 2014

S.Anandha Valli

...Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Assistant Director of Panchayat,
District Collectorate Office,
Ramanathapuram.

3. The Block Development Officer (Village Panchayat)
Paramakudi,
Ramanathapuram District.

4. The President,
Nellmarur Panchayat,
Paramakudi Taluk,
Ramanathapuram District.

5. K.Shanthi ,
The President,
Nellmarur Panchayat,
Paramakudi Taluk,
Ramanathapuram District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to disburse salary to the petitioner for discharging her duty as OHT operator at Nallur Village of 4th respondent Panchayat, Paramakudi Taluk, Ramanathapuram District as well as the arrears of salary from 01.10.2011 till July 2014 within the period stipulated by this Court.

For Petitioner : Mr.P.R.Prithivi Raj

For Respondents : Mr.V.Muruganandham

Additional Government Pleader

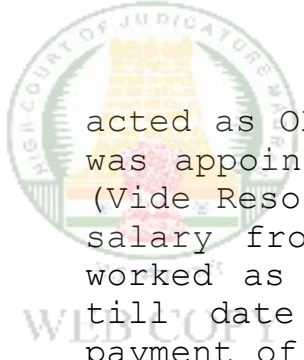
**ORDER**

This writ petition has been filed to direct the respondents to disburse salary to the petitioner for discharging her duty as OHT Operator at Nallur Village of 4th respondent Panchayat, Paramakudi Taluk, Ramanathapuram District as well as the arrears of salary from 01.10.2011 till July 2014.

2.The learned counsel for the petitioner would submit that the petitioner was appointed as OHT Operator under all Villages Anna Renaissance Scheme for Nallur Village of 4th respondent Panchayat by order dated 01.12.2010 on the basis of the resolution passed by the Grama Panchayat. The President has appointed the said person and she has discharged her duties as

OHT Operator and was not paid salary by K.Shanthi, then President, Nellmarur Panchayat, who was holding the fund. Hence, she gave a representation to the respondents 3 and 4, seeking the arrears of salary and she sought some information under the Right to Information Act and the second respondent has stated that there was no resolution passed for terminating her service and no one has been appointed as OHT Operator in the past 2 years. The learned counsel for the petitioner would submit that she still continued her work without any salary. The third respondent by Memorandum dated 10.03.2014 directed the Deputy Block Development Officer (Audit) to make an enquiry. Based on the report a communication was sent to the petitioner by the third respondent on 19.03.2014 and it is seen from the said statement of the 5th respondent that there is no document to substantiate that she has been appointed as OHT Operator for Nallur Village of the 4th respondent Panchayat and the 4th respondent would submit that one Sankar S/o. Solaimalai has been appointed by way of resolution dated 09.05.2012. She sought for information regarding the appointment of said person and the 4th respondent has given a contradictory statement that no one has been appointed till date and then on enquiry, he gave a wrong picture to the effect that one Sankar has been appointed. Therefore, highlighting the same, she gave a representation to the second respondent on 10.07.2014 relating to her grievance, but till date there is no response from the second respondent. Hence, present writ petition is filed.

3.Counter affidavit was filed by the 5th respondent stating that all the averments in the affidavit are false and the petitioner was never appointed as OHT Operator under the All Villages Anna Renaissance Scheme for Nallur Village of the 4th respondent. She would submit that she was holding the post for the past 3 spells and she belongs to AIADMK Party and the petitioner belongs to DMK Party. The appointment order dated 01.12.2010 issued in the typed set of papers is a fraudulent one and no such order was issued by the 5th respondent and it is a created document. No salary was paid to the petitioner for having



acted as OHT Operator and she would further submit that one Sankar was appointed as OHT Operator of Nelmadur Panchayat on 09.05.2012 (Vide Resolution No.41) by the 4th respondent and he has been paid salary from 09.05.2012 to till date and the petitioner has not worked as OHT Operator in Nelmadur Panchayat from 01.12.2010 to till date as alleged and therefore, question regarding the payment of salary does not arise.

4.From the perusal of typed set of papers filed by the petitioner, it is seen that there was a resolution passed by the said panchayat and the fourth respondent appointed a person under the scheme called "Anna Marumalarchi Thittam". The appointment order was also issued on 01.12.2010 and as per the said order, the petitioner has been appointed as OHT operator. Through the Right to Information Act, the information has been sought for by the petitioner on 27.04.2013 and she got a reply from the Block Development Officer, wherein, it is stated that there is no such resolution regarding the removal of the said Anandha Valli and no OHT Operator was appointed in the past two years and no paper was produced regarding the removal or reinstatement of the said Anandha Valli. There is no clarity in the counter filed by the fifth respondent regarding the appointment of one Shankar, S/o.Solaimalai vide resolution passed by the Panchayat, and no orders regarding the removal of the petitioner Anandha Valli and also, regarding the appointment of said Shankar has been produced by the fifth respondent. There is no evidence regarding the said appointment, and no Agenda regarding the same. The resolution passed and the Minute Book wherein it was entered, were also not filed. Therefore, there is no clear picture regarding the said dispute.

5.In view of the above observation, this Court is inclined to entertain the petition. Hence, this writ petition is disposed of with the following directions:

The second respondent / Assistant Director of Panchayat, District Collectorate Office, Ramanathapuram, is directed to conduct an enquiry regarding the appointment of the petitioner and whether she is working till date and if really, whether she is entitled for any arrears of salary for the work period, and pass necessary orders in accordance with law within a period of 4 months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)



To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Assistant Director of Panchayat,
District Collector Office,
Ramanathapuram.

3. The Block Development Officer,
Paramakudi,
Ramanathapuram District.

+ 1 cc TO Mr.D.Sadiq Raja , Advocate in SR No. 94713

+ 1 cc TO The Special Government Pleader in SR No. 94314

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AE/SV MMS/SAR3/16.04.2018/4P/6C

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