



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.06.2017

CORAM

WEB COPY

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

WA(MD)No.852 of 2017
and
C.M.P.(MD) No.5774 of 2017

The Executive Officer,
Seithur Town Panchayat,
Seithur, Rajapalayam Taluk,
Virudhunagar District.

... Appellant

Vs.

1.T.Mariappan
2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Assistant Director of Town Panchayat,
Madurai Zone,
Madurai.

...Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 22.03.2017 made in W.P.(MD)No.15243 of 2016 on the file of this Court.

Prayer in WP(MD). 15243/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 3rd respondent to consider the petitioners representation dated 04.06.2016 and to appoint the petitioner as sweeper in the 3rd respondent Town Panchayat.

For Appellant

: Mr.R.Chandrasekaran

For Respondents 2 & 3

: Mr.V.Muruganandham
Additional Government Pleader

JUDGMENT

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

Heard Mr.R.Chandrasekaran, learned Counsel appearing for the appellant, Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents 2 and 3.

2. This writ appeal is directed against the order, dated 22.03.2017 made in W.P.(MD)No.15243 of 2016, which was filed by the first respondent seeking for issuance of a writ of mandamus to direct the third respondent / Town Panchayat to consider his representation, dated 04.06.2016 and to appoint him as a Sweeper in the Town Panchayat.

3. During the course of arguments in the writ petition, the appellant - Panchayat produced a copy of the resolution, wherein the council of the appellant - Town Panchayat resolved to appoint the first respondent / writ petitioner as Sweeper and taking note of the said resolution, the writ petition was disposed of by issuing a positive direction to implement the resolution.

4. The appellant - Town Panchayat is before this Court stating that the Appointment Committee of the appellant - Town Panchayat alone is competent to make appointment. As long as the resolution passed by the council of the appellant - Town Panchayat remains on file and not set aside by any competent authority to do so, they are bound by the said resolution. Thus, we are not inclined to entertain appeal and interfere with the order passed in the writ petition.

5. Accordingly, the writ appeal fails and it is dismissed. However, this will not stand in the way of the appellant - Town Panchayat in approaching the competent authority under the provisions of the District Municipalities Act, if according to the appellant the Council has no jurisdiction to pass such a resolution. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Virudhunagar District, Virudhunagar.

2.The Assistant Director of Town Panchayat, Madurai Zone,
Madurai.

+One cc to The Special Government Pleader, SR.No.62884

SM/KRK

RL/4C/2P/GT/SAR1/27/7/2017

<https://hcservices.ecourts.gov.in/hcservices/>

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