

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 19.04.2017****CORAM****THE HONOURABLE MR. JUSTICE S.S.SUNDAR****W.P. (MD) .No.7062 of 2017**

P.Subbiah @ Sakaiah,
Over Head Tank Operator,
Theethampatti Panchayat, Theethampatti,
Kovilpatti Taluk, Thoothukudi District.

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2. The Block Development Officer,
Kayathar Union, Kayathar,
Thoothukudi District.

3. Theethampatti Panchayat Union,
Rep. by its Special Officer,
Theethampatti, Kovilpatti,
Thoothukudi District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation, dated 01.07.2016 submitted in regard to allow him to continue his service as Over Head Tank Operator in the third respondent Panchayat Union based on the date of birth entered in his Service Register and to direct the respondents 2 and 3 to pay salary and arrears of salary in view of the order dated 03.08.2016 passed by the Assistant Director of Panchayats within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For R-1 : Mr.C.Selvaraj,
Special Government Pleader.
For R-2 & R-3 : Mr.S.Satheesh Kumar

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation, dated 01.07.2016 submitted in regard to allow him to continue his



service as Over Head Tank Operator in the third respondent Panchayat Union based on the date of birth entered in his Service Register and to direct the respondents 2 and 3 to pay salary and arrears of salary in view of the order dated 03.08.2016 passed by the Assistant Director of Panchayats within the time limit that may be stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3.

3. Mr.C.Selvaraj, learned Special Government Pleader takes notice for the first respondent and Mr.S.Satheesh Kumar, learned counsel takes notice for the respondents 2 and 3. By consent, the Writ petition itself is taken up for final disposal.

4. The learned counsel for the petitioner has brought to the notice of this court, the direction issued by the Assistant Director(Panchayats), Thoothukudi, dated 03.08.2016, whereby the second respondent/Block Development Officer was directed to hold an enquiry and submit the necessary documents along with its report. The prayer in the present Writ petition is only to consider the representation of the petitioner, dated 01.07.2016 in tune with the order passed by the Assistant Director(Panchayats), Thoothukudi, dated 03.08.2016.

5. Having regard to the limited scope of the prayer in the Writ petition, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to issue the following direction:-

"The second respondent, namely, the Block Development Officer, Kayathar Union, Kayathar Thoothukudi District, is directed to consider the representation of the petitioner, dated 01.07.2016 and pass appropriate orders, on merits and in accordance with law, in the light of the order passed by the Assistant Director(Panchayats), Thoothukudi, dated 03.08.2016, within a period of six weeks from the date of receipt of a copy of this order. "

6. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector, Thoothukudi District, Thoothukudi.

2. The Block Development Officer,
Kayathar Union, Kayathar, Thoothukudi District.

3. Theethampatti Panchayat Union, Rep. by its Special Officer,
Theethampatti, Kovilpatti, Thoothukudi District.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.53178

+1cc to M/s.G.THALAIMUTHARASU Advocate in SR. No.53192

PMU

JS/SV.MMS/9.05.2017/3P-6C

ORDER MADE IN
W.P. (MD) .No.7062 of 2017
19.04.2017