

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8320 of 2018

Muthu Manikandan

... Petitioner

-vs-

- 1.The District Collector,
Tiruvannamalai District.
- 2.The Director,
O/o. Directorate Office,
Rural and Development Department,
Panagal Building,
Saidapet,
Chennai.
- 3.The Assistant Director (Panchayat),
Rural and Development Department,
Tiruvannamalai Taluk,
Tiruvannamalai District.
- 4.The Block Development Officer,
Tiruvannamalai Panchayat Union Office,
Tiruvannamalai Town,
Tiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the first respondent to reinstate the petitioner in service together continuity of service with all attendant benefits based on the petitioner's representation dated 28.02.2018.

For Petitioner :: Mr.N.Palani
For R1 to R3 :: Mr.V.Kadhirvelu
Special Government Pleader

For R4 :: Mr.K.Balamurugan
Government Advocate

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O R D E R

The relief sought for in this writ petition is to direct the first respondent to reinstate the petitioner in service together continuity of service with all attendant benefits based on the petitioner's representation dated 28.02.2018.

2.The writ petitioner cannot create a cause of action by filing the present writ petition. Considering the representation cannot be a point for creation of cause of action. This Court cannot entertain such writ petitions.

3.The short facts to be considered in this writ petition is that the writ petitioner was appointed as Part Time Panchayat Clerk on 13.07.1997, by the fourth respondent. However, the service of the writ petitioner was terminated on 05.02.2002. The communication dated 08.01.2007, enclosed in Page No.11 of the typed set filed along with the writ petition clarifies that the writ petitioner was terminated from service on 05.02.2002. However, it is stated that the writ petitioner was not issued with any notice, in respect of the termination. The communication of the Block Development Officer, further states that the charge memo was issued by the President of the Panchayat on 11.04.2002 and the reply was also given on 19.04.2002.

4.May that it be, this Court is of an opinion that even as per the said communication, the writ petitioner was terminated from service by way of resolution of the Panchayat on 05.02.2002. The grievances of the writ petitioner is that the resolution was not communicated to him. However, the fact remains that the writ petitioner has slept over his right for many years. Admittedly, no action was taken in respect of the resolution passed by the Panchayat on 05.02.2002. This apart, the petitioner was not in service with effect from the date of termination on 05.02.2002. When the writ petitioner is out of service atleast he should have taken some action. However, no such action was taken.

5.Contrarily, the learned counsel appearing for the petitioner states that the writ petitioner was approached the authorities by way of representations. Such representations submitted for about 15 years cannot be entertained now for the purpose of considering the relief of direction of the disposal of the representation. The writ petitioner had neither challenged the termination of the service, nor initiated any action for the past about 15 years. Thus, the writ petitioner had slept over his right and knock the doors of the Court for the purpose of redressing his grievances. Under these

circumstances, this Court is of an opinion that the writ petition is to be rejected on the ground of latches.

6. Accordingly, the writ petition is dismissed both on the ground of merits as well as on the ground of latches. However, there is no order as to costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

ah Sub Assistant Registrar

To

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2. The Director,
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Tiruvannamalai District.

+1cc to Mr.S.SUGENDRAN, Advocate, S.R.No. 25813

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KS (CO)
TR(04/05/2018)

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