

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 01-08-2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WRIT APPEAL No.1536 OF 2018

M.Kavitha

Appellant/ petitioner

-vs-

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Panchayat Union Commissioner,
Kaveripattinam,
Krishnagiri District.
- 3.The Chairman,
Kaveripattinam Panchayat Union,
Kaveripattinam,
Krishnagiri District.

.... Respondents/Respondents

Prayer: Appeal under Clause 15 of the Letters Patent, against the order dated 23.10.2017, passed in W.P.No.19590 of 2014 on the file of this Court.

WP.19590/2014:

Petitions filed Article 226 of the Constitution of India Writ of Certiorified Mandamus to call for the records relating to the orders in (i) Pro. Na.Ka. No.13921/ 2012/X2 dated 12.9.2012 of the first respondent and the consequential (ii) Endorsement No.2113/ 2009/A6 dated 13.9.2012 of the 2nd respondent, quash the same and issue consequential directions to the respondents to reinstate the petitioner in service with all consequential benefits .

For appellant : Mr.G.Sankaran

For respondents : Mr.P.S.Sivashanmugasundaram,
Spl.Govt.Pleader.

JUDGMENT

(Judgment of the Court was delivered by Huluvadi G.Ramesh,J.)

This Writ Appeal is filed against the order, dated 23.10.2017, passed in W.P.No.19590 of 2014, by a learned single Judge, upholding the order of cancellation of appointment issued by the respondent authorities against the appellant.

2. The case of the appellant is that though the appellant was appointed by the Block Development Officer, his appointment was terminated without any notice, which is not sustainable in the eye of law.

3. Be that as it may, the fact that remains is that the authority for appointment of Cooks and Cook Assistants is not the Block Development Officer, but, it is the Personal Assistant to the District Collector. It is also brought to out notice that as against the said Block Development Officer, who appointed the persons like that of the appellant, disciplinary proceedings have been initiated for misuse of power and for making appointments without authority of law. The learned single Judge has dealt with the issue in detail and come to the conclusion, upholding the cancellation of appointment of the appellant. Therefore, we do not find any infirmity in the order passed by the learned single Judge. Under the circumstances, remanding the matter to the authorities for consideration of the case of the appellant is not appropriate. However, the appellant is at liberty to approach the Personal Assistant to the District Collector, who is the appointing authority, with regard to her grievance and, on such approach, it is for the said authority to consider the case of the appellant in accordance with law.

4. Writ Appeal is disposed of accordingly. No costs. Consequently, the connected C.M.P.No.12402 of 2018 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dixit
To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Panchayat Union Commissioner,
Kaveripattinam,
Krishnagiri District.

WEB COPY

3.The Chairman,
Kaveripattinam Panchayat Union,
Kaveripattinam,
Krishnagiri District.

+1cc to Mr.G.Sankaran , Advocate SR.No. 53337

+1 CC TO GOVERNMENT PLEADER SR.NO. 52851

W.A.No.1536 OF 2018

ASK(17/09/2018)



WEB COPY