



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.A. (MD) No.1580 of 2018

P.Rajendra Perumal

.. Appellant/Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Assistant Director,
Rural Development (Panchayat),
Virudhunagar,
Virudhunagar District.

3.The Block Development Officer,
Sattur,
Virudhunagar District.

4.The President,
Pappakudi Panchayat,
Sattur Taluk,
Virudhunagar District.

.. Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act against the order passed in WP(MD)No.11446 of 2012 dated 08.01.2014 by the Hon'ble Mr.Justice M.M.Sundresh.

Prayer in WP(MD)No. 11446/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd Respondent in his letter Na.Ka.VuE6/648/2012, dated 05.06.2012 and quash the same as illegal and consequently direct the 4th respondent to permit the petitioner to work as Over Head Tank Operator and pay the arrears of salary to the petitioner for the period from 01.08.2011.

For Appellant

: Mr.S.Subbiah

Senior Counsel

for Mr.G.Aravinthan

For R1 to R3

: Mr.A.K.Baskarapandian

Special Government Pleader

: Mr.Murugan

**JUDGMENT****[Judgment of the Court was delivered by K.K.SASIDHARAN, J.]**

The appellant made a claim that he was appointed by the Pappakudi Panchayat and he worked for a period of six months in the capacity as an Overhead Tank Operator. The Block Development Officer conducted enquiry and rejected his claim. The order of rejection was unsuccessfully challenged before the writ Court. Feeling aggrieved, the appellant, has come up with this writ appeal.

2.The learned counsel for the appellant submitted that even if it is held that the appointment of the appellant was illegal on account of the ban order, still he was entitled to claim the wages for the period in question.

3.There is no dispute that the appointment of the appellant was made during the ban period. In fact, it was only after the period prescribed for submission of nomination papers, the then Panchayat President appointed the appellant as an Overhead Tank Operator. After the election, the newly elected panchayat President terminated the appointment on the ground that it was an illegal appointment. When the claim was made for payment of wages for a period of six months, the Block Development Officer conducted enquiry and found that even during the said period, the appellant has not worked. The Block Development Officer, therefore, rejected the claim made by the appellant.

4.The learned Single Judge considered the entire background facts and arrived at a conclusion that the very appointment of the petitioner was illegal. We do not find any material to take a different view in the matter. We, therefore, dismiss the writ appeal. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Assistant Director,
Rural Development (Panchayat),
Virudhunagar,
Virudhunagar District.



3.The Block Development Officer,
Sattur,
Virudhunagar District.

+1CC to M/s.P.JESSI JEEVA PRIYA, Advocate, SR.No.96637

+1CC to the Special Government Pleader SR.No.96804

W.A. (MD) No.1580 of 2018
22.11.2018

mj

ES/PM/SAR 3/19.12.2018/3P/6C