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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2018

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1228 of 2018
and C.M.P. (MD) No.8595 of 2018

S.Lathan

... Appellant/Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District.
- 2.The Assistant Director of Rural
Development (Panchayat),
Nagercoil, Kanyakumari District.
- 3.The Block Development Officer,
Karunthancode Panchayat Union,
Kanyakumari District.
- 4.The President cum Executive Officer,
Kattimancode Panchayat,
Kattimancode Post,
Kanyakumari District.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.13731 of 2013 dated 20.02.2018.

Prayer in WP(MD). 13731/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondent 1 to 3 to consider petitioner representation dated 27.05.2013 and to direct the 4th respondent to permit the petitioner to discharge his duties as an overhead tank operator in the 4th respondent panchayat.

For Appellant : Mr.S.C.Herold Singh

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

The appellant was appointed as an overhead tank operator. For his absence, he was not permitted to join duty. Hence, he filed the Writ Petition, which was dismissed on the ground that the appellant did not establish any right for reinstatement or entitled for the post. Challenging the same the appellant has filed this Writ Petition.



2. The learned counsel appearing for the appellant would submit that it would suffice if the petitioner's representation dated 27.05.2013 is directed to be considered by respondent No.1, who is the Inspector of Panchayats.

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3. Considering the submissions made on both sides, this Court, without going into merits of the claim made by the appellant, directs the first respondent to consider the representation of the petitioner dated 27.05.2013 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is also directed to submit another representation to the 1st respondent along with a copy of his representation dated 27.05.2013 and the copy of this order within a period of two weeks from the date of receipt of a copy of this order.

4. The Writ Appeal stands disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The District Collector,
Kanyakumari District.
2. The Assistant Director of Rural
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Nagercoil, Kanyakumari District.
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Kattimancode Panchayat,
Kattimancode Post,
Kanyakumari District.

+1cc to Mr.S.C.HEROLD SINGH, Advocate, SR.No.84559
+1cc to M/s.Special Government Pleader, SR.No. 85342

W.A. (MD) No.1228 of 2018
and C.M.P. (MD) No.8595 of 2018

SJ

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RR/RF/SAR-1/17.10.2018/2P-7C