



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A.(MD)No.417 of 2018

South Venganallur Village Panchayat,
Rep. by President cum Executive Authority,
South Venganallur Village,
Rajapalayam Taluk,
Virudhunagar District.

: Appellant/Respondent No.3

Vs.

1.V.Kadarkarai
2.The District Collector,
Virudhunagar District,
Virudhunagar.
3.The Block Development Officer,
(Village Panchayat),
Rajapalayam Panchayat Union Office,
Rajapalayam,
Virudhunagar District.

: 1st Respondent/Petitioner

: Respondents 2 & 3/
Respondents 1 & 2

PRAYER: Writ Appeal is filed under clause 15 of the Letters Patent, against the order of this Court dated 17.09.2014 passed in W.P.(MD) No.14009 of 2014.

Prayer in WP(MD). 14009/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS directing the respondents to forthwith pay arrears of salary, incentives, emoluments and other perks with all attendant and monetary benefits, for the period of service rendered by the petitioner in the post of Panchayat Secretary/Clerk from 01.04.2012 to 28.02.2014 in South Venganallur Village Panchayat within a prescribed time period to be fixed by this Court, along with reasonable interest for the belated payment.

For Appellant : Mr.G.Marimuthu
For 1st Respondent : Mr.N.Dilip Kumar
For Respondents 2 & 3 : Mr.VR.Shanmuganathan
Special Government Pleader

**JUDGMENT**

[Judgment of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.G.Marimuthu, learned counsel appearing for the appellant, Mr.N.Dilip Kumar, learned counsel appearing for the first respondent and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 2 & 3.

2.By consent this Writ Appeal itself is taken up for final disposal at the stage of admission itself.

3.This Writ Appeal is directed against the order dated 17.09.2014, made in W.P.(MD) No.14009 of 2014 filed by the first respondent herein, praying to direct the appellant and respondents 2 & 3 to forthwith pay the arrears of salary, incentives emoluments and other perks with all attendant and monetary benefits for the period of service rendered by the first respondent in the post of Panchayat Secretary/Clerk from 01.04.2012 to 28.02.2014 in South Venganallur Village Panchayat within a time stipulated by this Court.

4.As on date the term of office of the President of the Panchayat is over. Therefore, technically as on date Smt.G.Maheswari cannot pursue the appeal.

5.Be that as it may, the Court has issued a direction to the Block Development Officer to consider the case of the first respondent/petitioner and if it is in his opinion, the first respondent is entitled for arrears of salary, he may pass an order.

6.The learned counsel for the first respondent submitted that already orders have been passed by the Block Development Officer. However, the learned counsel for the appellant submitted that he has no instruction in this regard.

7.In any event, it is for the Block Development Officer to examine as to whether the first respondent is entitled for the salary. Since the appellant has taken a further plea that the first respondent is not entitled to arrears of salary on the ground of no work no pay, we direct the third respondent/Block Development Officer to take action in accordance with law and issue necessary instruction to the appellant Panchayat within a period of three weeks from the date of receipt of a copy of the judgment, which shall be complied with by the appellant Panchayat expeditiously.

8.With the above directions, this Writ Appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar



To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Block Development Officer,
(Village Panchayat),
Rajapalayam Panchayat Union Office,
Rajapalayam,
Virudhunagar District.

3. The Executive Authority,
South Venganallur Panchayat,
South Venganallur Village,
Rajapalayam Taluk,
Virudhunagar District.

ORDER MADE IN
W.A. (MD) No. 417 of 2018
08.03.2018

sj

MS/KK/SAR-4/23.04.2018/3P.4C