



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.13573 of 2013

P.Ramanathan

... Petitioner

Vs

1.The District Collector,
Collectorate,
Theni District,
Theni.

2.The Commissioner cum
The Block Development Officer,
Panchayat Union,
Andipatti,
Theni District.

3.The Panchayat President,
Raja Dhani Panchayat,
Raja Dhani Post,
Andipatti Taluk,
Theni District-625 512.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.2 and 3 to permit the petitioner to discharge the duty as Over Head Tank Operator at Raja Dhani Panchayat, Raja Dhani Post, Andipatti Taluk, Theni District-625 512 by disbursing the monthly salary regularly to the petitioner.

For Petitioner	: Mr.T.Jajapathi Roy
For R1	: Mr.M.Muthu, Additional Government Pleader
For R2 & R3	: Mr.S.Kumar

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents 2 and 3 to permit the petitioner to discharge the duty as Over Head Tank Operator at Raja Dhani Panchayat, Raja Dhani Post, Andipatti Taluk, Theni District.



2.The writ petitioner was employed as Over Head Tank Operator at Raja Dhani Panchayat. On account of certain complaints, he was discharged from duty. However, it is brought to the notice of this Court that even at the time of filing of the writ petition, the writ petitioner was aged about 52 years and now, he would have been attained the age of superannuation. This being the factum of the case and the writ petitioner was employed on temporary basis and not a regular employee, question of considering the other grounds raised in this writ petition does not arise at all.

3.The learned Additional Government Pleader appearing on behalf of the respondents relying on the counter affidavit of the third respondent states that the writ petitioner was not at all appointed as Over Head Tank Operator and no resolution was passed by the Panchayat.

4.Thus, the writ petitioner is not entitled for the relief as such sought for in the present writ petition. However, in view of the fact that the writ petitioner is aged about 58 years and no further consideration is required in this writ petition.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Collectorate,
Theni District, Theni.

2.The Commissioner cum
The Block Development Officer,
Panchayat Union, Andipatti,
Theni District.

+One cc to M/s.T.Lajapathi Roy, Advocate, SR.No.50009

+One cc to The Special Government Pleader, SR.No.50191

am

RL/5C/2P/JC/SAR2/5/3/2018

W.P (MD) No.13573 of 2013

20.02.2018