

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.No.1873 of 2019

D.Velmurugan

...Appellant

Vs.

1. The District Collector,
Cuddalore District,
Cuddalore.
 2. The Block Development Officer,
Village Panchayats,
Annagrammam Union,
Panruti Taluk,
Cuddalore District.
 3. The President,
Agaram Panchayat,
Panruti Taluk,
Cuddalore District.
 4. Krishnan
- ...Respondents

Writ Appeals filed under Clause 15 of the Letters Patent against the orders passed by the learned single Judge of this Court in W.P.No.30051 of 2011 dated 10.12.2018.

Prayer in W.P.No.30051 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of declaration declaring that the oral order of the 3rd respondent refusing the petitioner to work as Panchayat Assistant at Agaram Panchayat, Annagrammam Panchayat Union, Panruti Taluk, Cuddalore District, is illegal and nonest in the eye of law and thereby direct the 3rd respondent to permit the petitioner to work as full time Panchayat Assistant at Agaram Panchayat, Annagramm Panchayat Union, Panruti Taulk, Cuddalore District and also direct the respondents 1 to 3 to provide the petitioner all monitory and other benefits from 01.12.2006.

For Appellant : Mr.N.Suresh
For Respondents : Mrs.A.Srijayanthi
Special Government Pleader.

U D G M E N T

(Judgment of the Court was made by K.K.SASIDHARAN, J.,)

The Writ Petition filed by the appellant for declaration with regard to the nullity of the order of termination was dismissed by the learned single Judge. The said order is under challenge at the instance of the unsuccessful writ petitioner.

2. The learned counsel for the appellant contended that the appellant was unscrupulously removed in the year 2006. Even though he approached the Panchayat, time and again for reinstatement, it was not considered. It was only in such circumstances, the appellant filed the writ petition.

3. The learned Special Government Pleader who took notice on behalf of the respondents 1 to 3, contended that the appellant misappropriated the amount, due to the Panchayat and that was the reason for taking action against him. According to the learned Special Government Pleader the misappropriated amount was recovered from the appellant. Thereafter, he stopped coming to office.

4. The alleged order of termination was passed in the year 2006. Even according to the appellant, he was not permitted to work with effect from 27.11.2006. There is nothing on record to show that immediately thereafter, a representation was submitted to the appellant calling upon the respondent to give him employment. The appellant, for the first time, has come up with a grievance that he was unceremoniously removed from the office of the Panchayat.

5. The counter affidavit filed by the Block Development Officer, Annagramam clearly indicates that the appellant was appointed as Part Time Panchayat Assistant. The then President of the Agaram village Panchayat is none other than his close relative. In case, the appellant was dismissed from service without passing an order, he could have taken up the issue at the earliest. The learned single Judge having found that there was no material to show that the appellant approached the respondent with a request for reinstatement, has rightly rejected the writ petition. There are no reasons to interfere with the order passed by the learned single judge.

6. The intra court appeal is dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Cuddalore District, Cuddalore.
2. The Block Development Officer,
Village Panchayats, Annagrammam Union,
Panruti Taluk, Cuddalore District.
3. The President,
Agaram Panchayat,
Panruti Taluk, Cuddalore District.

+1 cc to Mr.N.Suresh, Advocate, S.R.No.51352

+1 cc to the Government Pleader, S.R.No.51229

W.A.No.1873 of 2019

SS (CO)
SSM(24/07/2019).

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