

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :05.02.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.1438 of 2018
and
W.M.P.No.1820 of 2018

R.C.Subramani

..Petitioner

--vs--

1.The District Collector,
Salem District,
Salem.

2.The Assistant Director of Village Panchayat,
Salem District,
Salem.

3.The Block Development Officer,
Salem Panchayat Union,
S.Kollematti,
Steel Plant Main Road,
Salem - 30.

4.The President,
Mallamooppanpatti Panchayat,
Mallamooppanpatti,
Salem - 636 302.

5.C.Mariappan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Quo Warranto directing the 5th respondent to show cause by what authority he claims to hold the post of Water Tank Operator in the 4th respondent Village Panchayat and consequently remove the 5th respondent from the post.

For Petitioner :Mr.C.K.M.Appaji

For Respondents :Mr.A.N.Thambidurai

Special Government Pleader for R1 & R2

Mr.P.S.Sivashanmuga Sundaram for R3

O R D E R

The writ on hand is filed to issue a writ of Quo Warranto directing the 5th respondent to show cause by what authority, he claims to hold the post of Water Tank Operator in the 4th respondent Village Panchayat and consequently remove the 5th respondent from the Post.

2. On instructions, the learned Special Government Pleader as well as the learned counsel appearing on behalf of the 3rd respondent, Salem Panchayat Union, informed this Court that the 5th respondent is not in service and this apart, the 5th respondent is now aged about 71 years and, therefore, he is not eligible to continue in service. The authorities ought to have verified all these facts before allowing the employee to continue in service, beyond the age of retirement. The District Collector, Salem District, Salem, is directed to verify all these facts and circumstances of the present case and initiate appropriate actions against the officials, who all are responsible for allowing the employees to continue beyond the date of retirement. The District Collector is directed to verify the Service Records and the actions of other respondents in this regard and if necessary, initiate appropriate disciplinary action against the officials, who permitted the 5th respondent to continue in service, illegally beyond the date of retirement.

3. With these directions, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Salem District,
Salem.
2. The Assistant Director of Village Panchayat,
Salem District,
Salem.

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3.The Block Development Officer,
Salem Panchayat Union,
S.Kollematti,
Steel Plant Main Road,
Salem - 30.

4.The President,
Mallamooppampatti Panchayat,
Mallamooppampatti,
Salem - 636 302.

+1cc to the Government Pleader, S.R.No.10210

W.P.No.1438 of 2018
and
W.M.P.No.1820 of 2018

MG (CO)
GSP (25/02/2019)



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