

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No. 17922 of 2019

K.Haridoss

... Petitioner

Vs.

1. Government of Tamil Nadu
Represented by its Principal Secretary,
Rural Development & Panchayat Raj Department,
Fort St. George
Chennai-600 009
2. The Director/Commissioner,
Rural Development & Panchayat Raj Department
having office at Panagal Maaligai
Saidapet, Chennai-600 015
3. The District Collector,
Thiruvannamalai District
4. The Block Development Officer (Village Assistant)
Vandavasi Panchayat Union
Thiruvannamalai District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records with culminated in passing the order bearing reference in Na.Ka.U.A3/4895/2017 dated 30.05.2019 by the 4th respondent, and quash the same and consequently directing the respondents to permit the petitioner to continue a Panchayat Secretary up to age of 60 years in the Vazhur Agaram Panchayat, Vadavasi Union, Thiruvannamalai District with all consequential benefits.

For Petitioner : Mr. P. Ganesan
For R1 to R4 : Mr. R.S. Selvam
Government Advocate

ORDER

This writ petition has been filed by the Petitioner seeking for the issuance of Writ of Certiorarified Mandamus calling for

the entire records with culminated in passing the order bearing reference in Na.Ka.U.A3/4895/2017 dated 30.05.2019 by the 4th respondent, and quash the same and consequently directing the respondents to permit the petitioner to continue a Panchayat Secretary up to age of 60 years in the Vazhur Agaram Panchayat, Vadavasi Union, Thiruvannamalai District with all consequential benefits.

2. The case of the Petitioner is that he was appointed as Village Panchayat Clerk (part time) with effect from 01.04.1988 by the President of Vazhur Agaram Panchayat, Vadavasi Union, Thiruvannamalai District. Later by virtue of G.O.Ms. No. 2333, dated 19.11.1990, his designation was changed as Panchayat Assistant with effect from 01.01.1991 and thereafter each panchayat got one post of Panchayat Assistant vide G.O.Ms. No. 962, Rural Development Department, 26.11.1990 and accordingly the Petitioner's salary was raised from Rs.400/- as a consolidate pay and his retirement age also fixed as 60 years. Later by virtue of G.O.Ms. No. 175, Rural Development and Panchayat Raj Department, dated 05.12.2006, the petitioner was brought in to the regular time scale of pay with effect from 01.09.2006 and thereby he became full member of the service. Again the Government passed another order in G.O.Ms. No. 52, Rural Development and Panchayat Raj Department, dated 29.08.2011 in and by which, the post of Panchayat Assistant has been modified as Panchayat Secretary and accordingly the post of the Petitioner also changed as Panchayat Secretary with effect from 29.08.2011.

3. The grievance of the Petitioner is that by virtue of G.O.Ms. No. 962, Rural Development Department, dated 26.11.1990, he is going to retire only on 02.05.2021 ie., on completion of 60 years whereas by the impugned proceedings, the Fourth Respondent relieved the Petitioner from 31.05.2019. Aggrieved by the same, the Petitioner has come forward with the present writ petition.

4. The learned counsel for the Petitioner would submit that by virtue of G.O.Ms. No. 962, Rural Development Department, dated 26.11.1990, the Petitioner's actual retirement is 05.05.2012 ie., on completion of 60 years whereas by the impugned proceedings, the Fourth Respondent has relieved the Petitioner from service on 31.05.2019 itself which cannot be sustained and hence the same is liable to be set aside.

5. Considering the facts and circumstances and as well as the submission made by the learned counsel for the Petitioner, this Court without going in to the merits, feels it appropriate to direct the Respondents to consider the claim of the Petitioner made by him in his representation dated 02.05.2019

and pass appropriate orders therein, in accordance with law and on merits within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.
2. The Director/Commissioner,
Rural Development & Panchayat Raj Department,
having office at Panagal Maaligai,
Saidapet, Chennai - 600 015.
3. The District Collector,
Thiruvannamalai District.
4. The Block Development Officer (Village Assistant),
Vandavasi Panchayat Union,
Thiruvannamalai District.

+1 CC to Mr.R.S. Selvam, Advocate sr 93468

+1 CC to Govt. Pleader sr 93041

+1 CC to Mr.P. Ganesan, Advocate sr 92724.

W.P. No. 17922 of 2019

KJI(CO)
SP(21/11/2019)