

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27334 of 2019

R.Govindan

... Petitioner

Vs.

1.The District Collector,
Vellore District, Vellore -9.

2.The Personal Assistant to District Collector,
(Rural Development Section),
Collectorate, 'A' Block, 3rd Floor,
Sattuvachari, Vellore - 9.

3.The Block Development Officer,
(Village Panchayats), Kanthili Panchayat Union,
Thirupattur Taluk, Vellore District.

4.The President/the Special Officer,
Perampattu Village Panchayat,
Kanthili Union, Vellore District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider and pass consequential orders on the representation of the petitioner dated 28.12.2018 based on the letter of recommendation made by the 3rd respondent/Block Development Officer vide Na.Ka.A3/836/2016, dated 24.01.2018 submitted with reference to permitting the petitioner to join duty as Panchayat Secretary/Panchayat Assistant in the 4th respondent Village Panchayat, within the time fixed by this Court.

For Petitioner : Mr.K.Premkumar

For Respondents : Mrs.M.Lalitha
Government Advocate for R1 & R2
Mrs.K.Bhuvaneswari
Additional Government Pleader
for R3 & R4

ORDER

Mrs.M.Lalitha, learned Government Advocate accepts notice for the respondents 1 and 2 and Mrs.K.Bhuvaneswari, learned Additional Government Pleader, accepts notice for respondents 3 and 4. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner was given an appointment order on 25.06.2012 and was asked to join duty as Panchayat Secretary by the then President of the Perampattu Village Panchayat in the 4th respondent Panchayat. When the petitioner is ready to join, he was asked by the then President of the 4th respondent Panchayat to wait till the approval of the petitioner's appointment by the 1st respondent/District Collector, Vellore. In the meantime, one K.Murugan was incharge of the post of Panchayat Secretary in the 4th respondent Panchayat. Since, there was a long delay in getting approval from the District Collector, the petitioner filed a writ petition in W.P.No.37146 of 2016, wherein this Court by an order dated 06.01.2017 directed the 1st respondent to consider and dispose of the petitioner's representation and pass orders on merits within a period of eight weeks. Pursuant to the above order, the petitioner submitted a fresh representation dated 10.02.2017 to the 1st respondent to consider and allow him to join in the above said post. Pursuant to the orders passed by this Court, the 1st respondent vide proceedings in Na.Ka.BC1/10658/2016 dated 08.03.2017 rejected the request of the petitioner on the ground that no proof was submitted with regard to discharge of his duties as Panchayat Secretary for the period from 25.04.2012 to 16.10.2016. Challenging the said orders, the petitioner filed a writ petition in W.P.No.15351 of 2017 and this Court admitted the case and ordered notice to the respondents. Subsequently, that writ petition was withdrawn by the petitioner. Pending that writ petition, the 3rd respondent by a letter dated 24.01.2018 made recommendations to the 1st respondent to permit the petitioner to rejoin the duty as Panchayat Secretary in the 4th respondent Panchayat, subject to withdrawal of the writ petition. Since, no orders was passed, the petitioner again made a representation dated 28.12.2018 requesting the respondents 1 and 2 to pass consequential orders based on the recommendation of the 3rd respondent, but till date no orders have been passed. Therefore, the petitioner has filed the present petition.

3.Heard both sides.

4.The learned counsel for the petitioner fairly submitted that it would suffice if a direction is issued to the 1st respondent to consider the representation of the petitioner dated 28.12.2018 and pass orders.

5.Thus,without going into the merits of the case, this Court is inclined to direct the 1st respondent to consider and dispose of the representation of the petitioner dated 28.12.2018, on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Vellore District, Vellore -9.
- 2.The Personal Assistant to District Collector,
(Rural Development Section),
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- 3.The Block Development Officer,
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Thirupattur Taluk, Vellore District.
- 4.The President/the Special Officer,
Perampattu Village Panchayat,
Kanthili Union, Vellore District.

+1 cc to M/s.K.Premkumar,Advocate Sr.No. 80155
+1 cc The Government Pleader, Sr.No.79707

AKM/30.10.19/3P-7C /

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