



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.10557 of 2010

Rajendran

... Petitioner

vs.

1.The District Collector,
Office of the District Collector,
Thanjavur District.

2.The District Rural Development Officer,
Panagal Building, Thanjavur District.

3.The Block Development Officer,
Thiruvidaimarudur.

4.The Panchayat President,
Thukkachi Panchayat,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the termination order of the fourth respondent terminating the service of the petitioner and quash the same and consequently to direct him to reinstate the petitioner in service of the Over Head Tank Operator with full back wages.

For Petitioner :Mr.P.Sesubalan Raja

For Respondents :Mr.D.Muruganandam

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to quash the order of fourth respondent, terminating the service of the petitioner and to reinstate the petitioner in service as Over Head Tank Operator with full back wages.

2.In the affidavit filed in support of this petition, the petitioner admitted that he was appointed as Over Head Tank Operator on 01.03.2000 and that he was terminated from service on 30.11.2001. It is stated that the order of termination was without even issuing notice or a charge memo. It is further stated that even the termination was not properly intimated to the



petitioner. It is further admitted that the petitioner was stopped from signing attendance register and he was orally informed that he should not come to office thereafter. Hence, challenging the same, the above Writ Petition is filed.

3.The learned Counsel for the petitioner admitted that the petitioner has no explanation for the long delay in approaching this Court. The petitioner has an effective alternative remedy of approaching the Labour Court and no reason why he did not approach the Labour Court. Assuming for a moment that the petitioner was illegally terminated orally in 2001, the petitioner himself admitted that he was hardly in service for a period of one year and that there is no explanation why he kept mum for all these years.

4.The learned Counsel for the petitioner referred to a representation, dated 22.12.2009, wherein the petitioner has stated that the President of the Panchayat did not allow him to do his job and that the President has engaged somebody else to operate Over Head Tank. This representation was given only in 2009. Even though the petitioner admitted that his non-employment from 2001, the representation of the petitioner was for a specific purpose and it appears that the petitioner is now trying to blame the President for his non-employment. Certainly, the same President would not have kept the petitioner away from service in 2001.

5.Be that as it may, the petitioner has not produced any record to show that his non-employment was questioned at the appropriate time either by making representation or by seeking remedy before the Labour Court. In such circumstances, this Court is not inclined to entertain this Writ Petition and the same is liable to be dismissed on the ground of laches.

6.Accordingly, this Writ Petition is dismissed and the impugned order passed by the fourth respondent is confirmed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

cmr



To

1.The District Collector,
Office of the District Collector,
Thanjavur District.

2.The District Rural Development Officer,
Panagal Building, Thanjavur District.

3.The Block Development Officer,
Thiruvidaimarudur.

4.The Panchayat President
Thukkachi Panchayat
Thanjavur District

+1 CC to M/s.P. SESUBALAN RAJA, Advocate (SR-99801[F] dated
20/11/2019)

+1 CC to M/s.SPL GP (SR-99976[F] dated 20/11/2019)

W.P.(MD)No.10557 of 2010
19.11.2019

_KM/(11.12.2019) 3P 7C