



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:02.04.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.14543 of 2015

WEB COPY

S.Muruganantham

... Petitioner

vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director of Panchayat,
Ramanathapuram District,
Ramanathapuram.

3.The Block Development Officer (Village Panchayat)
Kamuthi Union, Kamuthi Taluk,
Ramanathapuram District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st and 2nd respondents to disburse the arrears of salary to the petitioner for the period from 01.08.2011 to 20.11.2013 in accordance with law within the time stipulated by this Hon'ble Court on the basis of the communication of the 3rd respondent made to the 2nd respondent in Na.ka.No.Pi4/4863/2014 dated 26.06.2015.

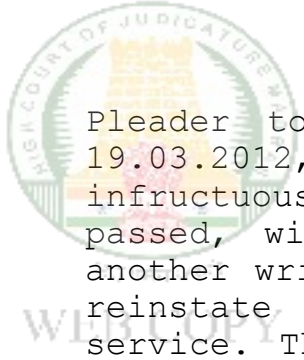
For Petitioner : Mr.D.Sadiq Raja

For Respondents : Mrs.J.Padmavathy Devi
Special Government Pleader for RR-1 to 3

ORDER

The Writ Petition has been filed seeking a direction to the 1st and 2nd respondents to disburse the arrears of salary to the petitioner for the period from 01.08.2011 to 20.11.2013 in accordance with law and also on the basis of the communication of the 3rd respondent to the 2nd respondent in Na.ka.No.Pi4/4863/2014 dated 26.06.2015, within the time stipulated by this Court.

2.The case of the petitioner is that the petitioner was appointed as Panchayat Secretary in the Pappurettiyapatti Village Panchayat on 08.12.2008. Due to financial stringency in the Panchayat, he has not been paid salary from August 2011. Since he was not permitted to discharge his duty, he filed a writ petition in W.P.No.3788 of 2012 seeking a direction to discharge his duty. Based on the representation of the learned Special Government



Pleader to the effect that he was terminated from service, on 19.03.2012, this Court dismissed the writ petition as having become infructuous. According to the petitioner, the termination order was passed, without intimating him. Challenging the same, he filed another writ petition in W.P.No.4598 of 2012 seeking a direction to reinstate him as Village Panchayat Secretary with continuity of service. This Court by an order dated 11.11.2013 allowed the writ petition, with liberty to the President of Pappurettiyapatti Village Panchayat to initiate disciplinary proceedings, if any. Pursuant to that, the third respondent even though reinstated the petitioner into service, has not paid salary to him from 01.08.2011 to 20.11.2013. Hence, the petitioner gave a representation to the first respondent, District Collector on 07.10.2014. The first respondent forwarded the same to the second respondent, who, in turn, sought for a report from the third respondent. The third respondent has submitted the report before the second respondent on 26.06.2015. Now, the second respondent has to sanction the amount. But, no steps were taken till date. Hence, the petitioner has filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3, who submitted that the case of the petitioner, would be considered, on merits.

4. In view of the submissions made by the learned counsel on either side, this Court directs the second respondent to consider the claim of the petitioner for arrears and other benefits, on the basis of the communication dated 26.06.2015, sent by the third respondent to second respondent and pass appropriate orders on merits and as per law. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

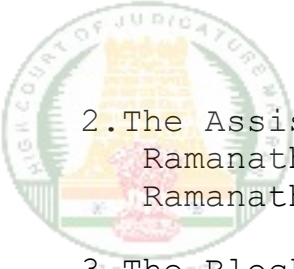
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Sub Assistant Registrar (CS)

vs

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.



2.The Assistant Director of Panchayat,
Ramanathapuram District,
Ramanathapuram.

3.The Block Development Officer (Village Panchayat)
Kamuthi Union,
Kamuthi Taluk,
Ramanathapuram District.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-59045[F] dated 04/04/2019)

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ES/06.05.2019/3P/5C