



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 24.07.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P. (MD) No.13979 of 2014**

Manoharan

... Petitioner

-Vs-

1. The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
2. The Block Development Officer (Village Panchayat),  
Panchayat Union, Nainar Kovil,  
Ramanathapuram District.
3. The President,  
Kalliyadiyenthal Village Panchayat,  
Nainar Kovil, Ramanathapuram District.
4. Sagunthaladevi.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 21.10.2013 and to pass order as per law and consequently, directing the respondents 1 to 3 to reinstate the petitioner as Panchayat Clerk with all attendant benefits with monetary relief.

For Petitioner : Mr.C.M.Arumugam

For R1 : Mr.S.Dhayalan,  
Government Advocate.

For R2 and R3 : Mr.S.Chandrasekar  
Government Advocate.

**ORDER**

The relief sought for in the present Writ Petition is for a direction to direct the respondents 1 to 3 to consider the representation of the writ petitioner dated 21.10.2013 and to reinstate the writ petitioner as Panchayat Clerk.



2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was appointed as part time Panchayat Clerk, as he was qualified. Monthly salary of Rs.350/- was fixed during the relevant point of time.

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3.The learned counsel appearing on behalf of the writ petitioner further states that salary for the period from 01.11.2002 to 30.11.2003 has not been paid to the writ petitioner.

4.The Writ Petition is filed under the pretext that the writ petitioner is working as Panchayat Clerk as of now. The writ petitioner has not disclosed the fact that he was terminated from service. However, such an information is provided in the representation submitted by the writ petitioner on 21.10.2013.

5.The learned Government Advocate appearing on behalf of the first respondent made a submission that the writ petitioner deserted the job on 22.12.2002 and he remained unauthorized absent. Thereafter, he never joined duty and by taking actions, service of the writ petitioner was terminated, as he was working as only part time Panchayat Clerk. The order of termination has not been challenged. Now, after a lapse of about 12 years, the present Writ Petition has been filed to consider the representation for reinstatement. Without challenging the order of termination, no relief of reinstatement can be provided to the writ petitioner.

6.This apart, the learned counsel appearing on behalf of the respondents 2 and 3 also states that the fourth respondent has already been appointed as Panchayat Clerk and she is working for number of years. The representation itself is filed after a lapse of many years and the Writ Petition filed after a lapse of 12 years. Under these circumstances, the writ petitioner cannot seek any relief.

7.This Court is of the considered opinion that in the absence of challenging the termination order, the writ petitioner cannot file a Writ Petition to consider the representation and pass orders. Even to issue such a direction, the writ petitioner has to establish a legal right. In the absence of any legal right, no such direction can be granted by this Court in a Writ Petition. In the present case on hand, the writ petitioner remained unauthorized absent from the year 2002 and thereafter, actions were taken by the competent authority and he was terminated from service.

8.This being the factum, the relief as such sought for in



the present Writ Petition cannot be granted and accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

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// True Copy //

Sub Assistant Registrar (CS )

To

1. The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
2. The Block Development Officer (Village Panchayat),  
Panchayat Union, Nainar Kovil,  
Ramanathapuram District.
3. The President,  
Kalliyadiyenthal Village Panchayat,  
Nainar Kovil, Ramanathapuram District.

+1cc to MR.C.M.Arumugam, Advocate in SR.No.77348  
+1cc to Special Government Pleader in SR.No.77694

**W.P. (MD) No.13979 of 2014**  
**24.07.2019**

**Myr**

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