

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.3292 OF 2020

AND

WMP NO.3809 OF 2020

K.Karichikumar

... Petitioner

-Vs-

1. The District Collector
Tiruppur District, Tiruppur.
2. The Block Development Officer
Block Development Office
Kundadam Panchayat Union
Dharapuram Taluk,
Tiruppur District.
3. The President
Aaratholuvu Panchayat
Aaratholuvu, Kangayam Via
Tiruppur 638 701.
4. A.Murugan
Holding the post of President
Aaratholuvu Panchayat,
Aaraholuvu, Kangayam Via
Tiruppur 638701.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus forbearing the respondents from forcefully terminating the service of the petitioner as an electric motor pump operator for Aaratholuvu and Maalaikattuputhur, Aaratholuvu Village, in a manner known to law.

For Petitioner : Mr.S.Saravanan

For R1 to R3 : Mr.K.Parameswaran, GA

ORDER

This writ petition has been filed for the issue of writ of Mandamus forbearing the respondent from forcefully terminating the service of the petitioner as an Electric Water Pump Operator.

2. The case of the petitioner is that he was engaged as a Electric Motor Pump Operator in the year 2017 on a temporary basis by the Special Officer belonging to the 3rd respondent panchayat. According to the petitioner, he was paid a salary for a sum of Rs.2,000/- every month. The grievance of the petitioner is that after the local body election, the 4th respondent who was selected as the president of the 3rd respondent panchayat is preventing the petitioner from discharging his duties and therefore, the petitioner has approached this Court seeking for appropriate directions.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. Taking into consideration the facts and circumstances of the case and the materials furnished before this Court, this Court finds that the petitioner was engaged on a temporary basis by the Panchayat/3rd respondent as a Electric Motor Pump Operator and this was not against any sanctioned post. The proceedings through which the petitioner was originally engaged clearly shows that he was engaged only for a specific period which is stated to have been reviewed for a further period.

5. This Court does not give any legal right for the petitioner to seek for issuance of a writ of Mandamus, since the petitioner has not been posted in any sanctioned post and he was purely engaged on a contract basis and the said contract cannot be enforced by way of filing a writ petition before this Court.

6. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rka

To

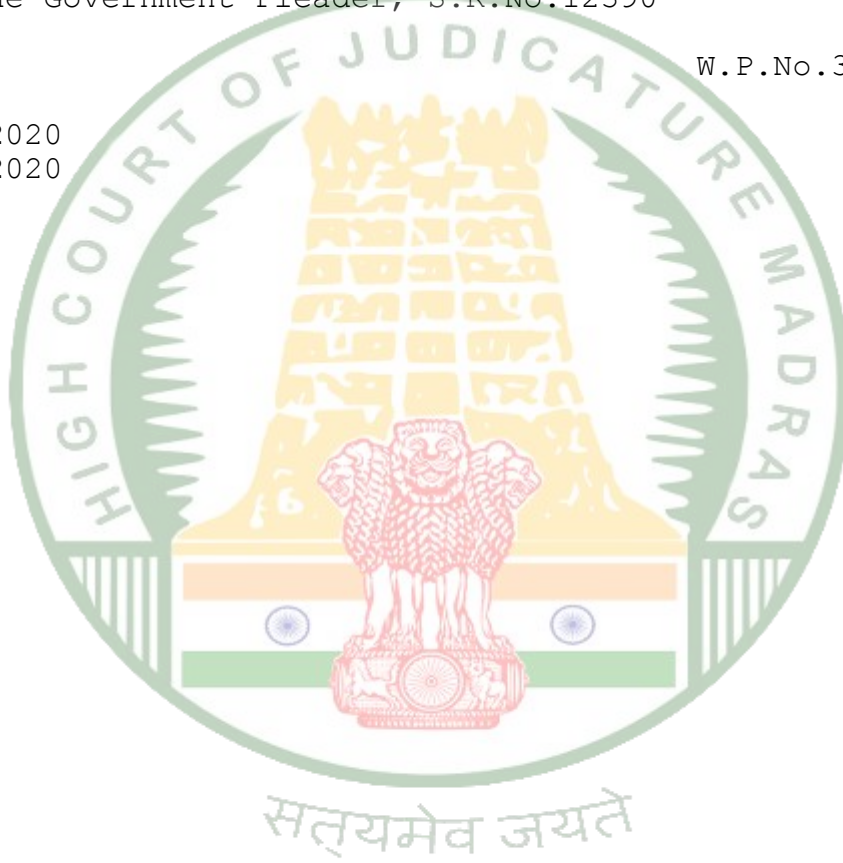
1. The District Collector
Tiruppur District, Tiruppur.
2. The Block Development Officer
Block Development Office
Kundadam Panchayat Union
Dharapuram Taluk,
Tirupur District.

+lcc to Mr.S.Saravanan, Advocate, S.R.No.11252

+lcc to the Government Pleader, S.R.No.12390

W.P.No.3292 of 2020

CS/20/03/2020
CS/22/05/2020



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