

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.16299 of 2020 and

W.M.P.No.20395 of 2020

M.Vadivel

... Petitioner

Vs

1.The District Collector,
Villupuram District.

... Respondents

2.The Block Development Officer,
Panchayat Union-Gingee,
Villupuram District.

3.The President,
Thandavasamuthiram Panchayat,
Villupuram District.

petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to reinstate the petitioner with backwages, continuity of service and all other monetary benefits.

For Petitioner : Mr.A.Vijayasankar

For Respondents : Mr.D.Venkatesan, GA for R1
Mr.V.Prabhu, GA for R2 & R3

ORDER

This writ petition has been filed to direct the respondents to reinstate the petitioner with backwages, continuity of service and all other monetary benefits.

2. According to the petitioner, he was appointed as Panchayat Clerk on 01.04.1999. During his period of employment, there was a criminal complaint against him in Crime No.112 of 1999 for the offence under Section 324 of I.P.C., at the instance of the then Panchayat President. The petitioner claims to have been suspended on 26.04.1999. The criminal case was

taken on file of the Judicial Magistrate, Thirukovilur in C.C.No.290 of 2000.

3. According to the petitioner, after suspending him, the Panchayat President has appointed her own son Mr.Murugan on 01.03.2001. The appeal filed against the suspension order by the petitioner in 1999, did not evoke any response. The petitioner also appears to have approached this Court in W.P.No.16720 of 2000 and the same was disposed of on 28.09.2000, directing the first respondent to consider the petitioner's appeal dated 30.08.1999. At this, the order appears to have been passed on 27.02.2001, by the first respondent, informing the petitioner that the final order would be passed after completion of the criminal case.

4. According to the petitioner, till date, no final order has been passed. In the meanwhile, on 17.07.2002, the petitioner was acquitted of the charges in C.C.No.290 of 2000. The petitioner has once again approached this Court in W.P.No.25612 of 2011, seeking reinstatement in service and the writ petition was disposed of on 08.11.2011, once again directing the first respondent to dispose of the representation dated 22.08.2011. The petitioner thereafter was informed that there was no vacancy and as against which, the petitioner has filed W.P.No.28534 of 2012, which according to the affidavit is pending before this Court. Pending the above writ petition, the present writ petition has been filed by the petitioner to reinstate him in service.

5. This Court is unable to comprehend as what is the grievance of the petitioner in this writ petition. The details of his employment regarding the original date of appointment, suspension order and the appeal, nothing has been disclosed cohesively in the affidavit nor any documents were filed. The affidavit contains sketchy averments without disclosing any cause of action. The petitioner appears to have approached this Court earlier on two occasions in 2000, 2011 and thereafter, what happened from 2011 to 2020, has not been disclosed in the affidavit.

6. This Court is unable to make out as to why the grievance of the petitioner could be entertained at this stage and what is the necessity for the two writ petition on the same subject matter, when the other writ petition in W.P.No.28534 of 2012, is pending before this Court.

7. On the whole, this Court is unable to understand as to what prompted the petitioner to approach this Court with the present prayer. But one thing, this Court is sure that this writ petition cannot be entertained under any circumstances with

these kind of averments projected in the writ petition.

8. Therefore, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

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To

- 1.The District Collector,
Villupuram District.
- 2.The Block Development Officer,
Panchayat Union-Gingee,
Villupuram District.
- 3.The President,
Thandavasamuthiram Panchayat,
Villupuram District.

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GP (CO)
UM (16.12.2020)