



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.A(MD)No.71 of 2020

and

C.M.P(MD)No.583 of 2020

R.Madhavan

... Appellant / Writ Petitioner

Vs.

1.The District Collector,
Collectorate,
Sivagangai District.

2.The Assistant Director (Panchayat),
Collectorate,
Sivagangai District.

3.The Block Development Officer,
Block Development Office,
Kallal Union Panchayat,
Sivagangai District.

... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 05.12.2019 made in W.P(MD)No.25917 of 2019 on the file of this Court.

Prayer in WP(MD)No.25917 of 2019

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to implement the order in Na.Ka.No.R2/896/12 passed by the first respondent dated 06.02.2012 and consequential order in Na.Ka.No.Pi4/579/2006 passed by respondent No3. Dated 30.04.2012 and to appoint the petitioner to the post of Panchayat Secretary (Previously called as Panchayat Clerk) at N.Keelaiyur Village, Kallal Union, Thiruppathur Taluk, Sivagangai District or accommodate the petitioner at Kallipattu Village, Thiruppathur Taluk, Sivagangai District with continuity of service and provide all monitory benefits from the year 2012 within the time stipulated by this Hon'ble Court.



For Appellant : Mr.I.Pinaygash
For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by
M.DURAISWAMY, J.)

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The appellant has filed the above Writ Appeal challenging the order passed by the learned Single Judge in W.P(MD)No.25917 of 2019, dated 05.12.2019.

2.The appellant / writ petitioner filed the Writ Petition to issue a Writ of Mandamus, to direct the respondents 1 to 3 to implement the order passed by the first respondent dated 06.02.2012 and the consequential order passed by the third respondent dated 30.04.2012 and to appoint the petitioner to the post of Panchayat Secretary (previously called as Panchayat Clerk) at N.Keelaiyur Village, Kallal Union, Thiruppathur Taluk, Sivagangai District or to accommodate the petitioner at Kallipattu Village, Thiruppathur Taluk, Sivagangai District with continuity of service and provide all monetary benefits from the year 2012 within a time stipulated by this Court.

3.The appellant / writ petitioner has filed the Writ Petition to implement the order dated 06.02.2012 passed by the first respondent and the order dated 30.04.2012 passed by the third respondent rectifying the order of suspension passed against the appellant / writ petitioner. However, the appellant / writ petitioner has not challenged the order of termination of service dated 13.02.2013 passed by the first respondent / District Collector, Sivagangai District.

4.When the first respondent had passed the final order based on the enquiry report which has not been challenged at all by the appellant / writ petitioner, the relief sought for in the Writ Petition to implement the orders passed by the first respondent and the third respondent were rightly rejected by the learned Single Judge.

5.In such view of the matter, we are not inclined to interfere with the order passed by the learned Single Judge. However, we do not find any ground to interfere with the same. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



ps
To

1.The District Collector,
Collectorate,
Sivagangai District.

2.The Assistant Director (Panchayat),
Collectorate,
Sivagangai District.

3.The Block Development Officer,
Block Development Office,
Kallal Union Panchayat,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-2902[F] dated 24/01/2020)

W.A (MD) No. 71 of 2020
23.01.2020

SMA/05/02/2020/3P/5C