



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Tenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

WMP(MD) Nos.3638,3639 and 8255 of 2019
IN
WP(MD) No.1482 of 2019

WMP(MD) Nos.3638,3639 of 2019:

THENGAMPUTHOOR GRADE TOWN PANCHAYAT,
REP. BY ITS EXECUTIVE OFFICER,
THENGAMPUTHOOR GRADE TOWN PANCHAYAT,
KANYAKUMARI DISTRICT.

... PETITIONER/4TH RESPONDENT/
4TH RESPONDENT

Vs

1.Y.SELVIN RICHARD DANIEL

...1ST RESPONDENT/PETITIONER/
PETITIONER

2.THE DIRECTOR OF TOWN PANCHAYAT,
O/O. THE DIRECTOR OF TOWN PANCHAYAT,
KURALAGAM, CHENNAI-600 108

3.THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT, NAGERCOIL.

4.THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT,
KANYAKUMAR REGION, NAGERCOIL,
KANYAKUMARI DISTRICT.

5.THE DIRECTOR LOCAL FUND AUDIT,
DEPARTMENT OF LOCAL FUND AUDIT,
KURALAGAM, CHENNAI.

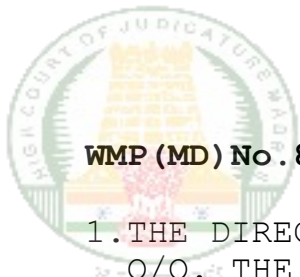
... RESPONDENTS 2 TO 5/ RESPONDENTS/
RESPONDENTS

Prayer in WMP(MD).3638/ 2019 IN WP(MD) No.1482 of 2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Vacate the Interim stay in W.M.P(MD) No.1269 of 2019 in W.P(MD) No.1482 of 2019 dated 25.01.2019 and thus render justice.

Prayer in WMP(MD). 3639/ 2019 IN WP(MD) No.1482 of 2019:

To Vacate the Interim Injunction in W.M.P(MD) No.1270 of 2019 in W.P(MD) No.1482 of 2019 dated 25.01.2019 and thus render justice.



WMP (MD) No.8255 of 2019:

- 1.THE DIRECTOR OF TOWN PANCHAYAT,
O/O. THE DIRECTOR OF TOWN PANCHAYAT,
KURALAGAM, CHENNAI-600 108
- 2.THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT, NAGERCOIL.
- 3.THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT,
KANYAKUMAR REGION, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4.THE DIRECTOR LOCAL FUND AUDIT,
DEPARTMENT OF LOCAL FUND AUDIT,
KURALAGAM, CHENNAI. ...PETITIONERS/RESPONDENTS 1 TO 3 & 5/
RESPONDENTS 1 TO 3 & 5

Vs

- 1.Y.SELVIN RICHARD DANIEL ...RESPONDENT/PETITIONER/
PETITIONER
- 2.THENGAMPUTHOOR GRADE I TOWN PANCHAYAT,
REP. BY ITS EXECUTIVE OFFICER,
THENGAMPUTHOOR GRADE I TOWN PANCHAYAT,
KANYAKUMARI DISTRICT. ...RESPONDENT/RESPONDENT/
RESPONDENT

Prayer in WMP(MD) . 8255/ 2019 IN WP(MD) No.1482 of 2019:

To vacate the interim stay in WMP(MD) No.1269 of 2019 in WP (MD) No.1482 of 2019 dated 25/01/2019 .

Prayer in WMP(MD) . 1269/ 2019 IN WP(MD) No.1482 of 2019::

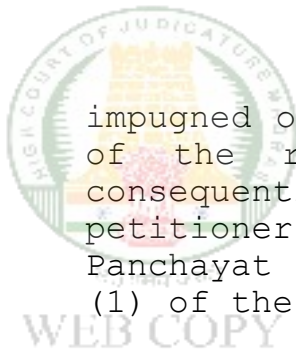
To pass an order of Interim Stay of operation of the impugned order in Na.Ka.No.409/2018/A1 dated 31.12.2018 on the file of the respondent No.4 pending disposal of the WP and thus render justice.

Prayer in WMP(MD) . 1270/ 2019 IN WP(MD) No.1482 of 2019::

To pass an order of Interim Direction directing respondents 1 to 5 to permit the petitioner to discharge services as Fitter in respondent No.4 Panchayat till the age of 60 years pending disposal of the WP and thus render justice.

Prayer in WP(MD) . 1482/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the



impugned order in Na.Ka.No.409/2018/A1 dated 31.12.2018 on the file of the respondent no.4 and quash the same as illegal and consequently directing the respondents 1 to 5 to permit the petitioner to continue in service as fitter in the respondent No.4 Panchayat till he reaches the age of 60 as prescribed under Rule 56 (1) of the Fundamental Rules.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.C.M.MARI CHELLAIAH PRABHU, Additional Government Pleader ,for the petitioner in all these petitions and of Mr.T.LAJAPATHI ROY, Advocate for R1 in all these petitions, the court made the following order:-

In the counter filed by the respondents, it is stated that as per the proceedings of the Director of Town Panchayat on 27.07.2006, the petitioner herein was brought in regular time scale of pay of Rs.3050-75-3950-80-4590 and being a fitter, the petitioner is deemed to be in superior service. Therefore, the ground that he is to be classified under basic service, cannot be sustained.

2.The learned counsel for the petitioner seeks time for amending the prayer.

3.In view of the stand taken by the respondents, the continuance of the interim stay may not be appropriate and accordingly, the interim stay granted in W.M.P(MD)Nos.1269 and 1270 of 2019 stand vacated.

4.Post the writ petition on 02.04.2020.

sd/-
10/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE DIRECTOR OF TOWN PANCHAYAT,
O/O. THE DIRECTOR OF TOWN PANCHAYAT,
KURALAGAM, CHENNAI-600 108

2.THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT, NAGERCOIL.

3.THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT,
KANYAKUMAR REGION, NAGERCOIL,
KANYAKUMARI DISTRICT.

<https://hcservices.kerala.gov.in/ReserveDes>



4. THE DIRECTOR LOCAL FUND AUDIT,
DEPARTMENT OF LOCAL FUND AUDIT,
KURALAGAM, CHENNAI.

5. THE EXECUTIVE OFFICER,
THENGAMPUTHOOR GRADE TOWN PANCHAYAT,
KANYAKUMARI DISTRICT.

6. THE EXECUTIVE OFFICER,
THENGAMPUTHOOR GRADE I TOWN PANCHAYAT,
KANYAKUMARI DISTRICT.

+1. C.C. to SPL. GOVT. PLEADER Advocate SR.No.2858

+1. C.C. to Mr.T.LAJAPATHI ROY Advocate SR.No.2918

ORDER

IN

WMP(MD) Nos.3638,3639 and
8255 of 2019 IN

WP(MD) No.1482 of 2019

Date :10/02/2020

CP

TK/PN/SAR.3/14.02.2020/4P/9C