



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.A. (MD) No.1057 of 2020

WEB COPY

A.Soundar Rajan : Appellant

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Block Development Officer,
Reddiar Chathiram Panchayat Union,
Dindigul District.

3.Ponnimanthurai Panchayat,
Rep. by its President,
Reddiar Chathiram Panchayat Union,
Dindigul District.

4.A.Lasar : Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent challenging the order dated 27.08.2020, made in W.P.(MD)No.7839 of 2013.

Prayer in WP(MD). 7839 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the entire records, relating to the 3rd respondent panchayat resolution dated 08/11/2012 and quash the same and consequently direct the respondents 1 to 3 herein reinstate the petitioner into service with continuit of seravaice along with all service and monetary benefits.

For Appellant : Mr.K.Raghul Priyan

For R.1 : Mr.M.Muthugeethaiyan,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **B.PUGALENDHI, J.**)

This writ appeal is filed as against the order passed by the learned Single Judge in W.P.(MD)No.7839 of 2013, dated 27.08.2020. The said writ petition was filed challenging the resolution of the 3rd respondent / Panchayat dismissing him from the service and for continuity of service. Though the matter was listed for final



disposal, there was no representation on behalf of the appellant / writ petitioner for more than five hearings and since the matter was pending with effect from 2013, the Writ Court dismissed the writ petition, based on the grounds raised by the petitioner.

2. The learned Counsel appearing for the appellant / petitioner would submit that in view of the present Covid-19 pandemic situation, he could not follow up the case and could not be connected through Video Conference, when the case was taken up for final disposal. His absence or non representation is neither wilful nor wanton. The learned Counsel further pleaded that the writ petition is filed as against the order of dismissal and the learned Judge has dismissed the writ petition on merits. Therefore, he sought indulgence of this Court.

3. Though this Court is not inclined to entertain the appeal, considering the present day Covid-19 situation and that the Courts are functioning virtually and that the order impugned in the writ appeal is an order of dismissal, this Court allows the writ appeal by setting aside the order dated 27.08.2020, made in W.P.(MD)No.7839 of 2013. The matter is remanded back to the Writ Court, for providing one more opportunity to the appellant / writ petitioner.

4. In fine, this Writ Appeal is allowed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk

To

1.The District Collector,
Dindigul.

2.The Block Development Officer,
Reddiar Chathiram Panchayat Union,
Dindigul District.

Copy to : The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.GP (SR-24873[F] dated 10/12/2020)

+1 CC to M/s.K.K.SAMY, Advocate (SR-25023[F] dated 11/12/2020)

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09.12.2020

pm (CO)

<https://hcservices.courtsofmadras.gov.in/hcservices/> **RR(28.12.2020) 2P 6C**