



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18801 of 2014

and

M.P (MD) .Nos.1 of 2014 and 1 of 2015

WEB COPY

Vasanth

... Petitioner

-Vs-

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Block Development Officer,
(Village Panchayat)
Panchayat Union,
Ponnamaravathi & Taluk,
Pudukkottai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the order passed by the 1st respondent in Na.Ka.Vil/6766/2013 (Valarchi) dated 10.11.2014, and quash the same as arbitrary and illegal.

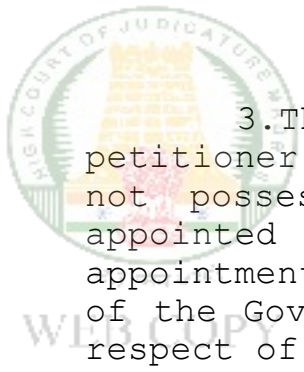
For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.V.Anand
Government Advocate

ORDER

The order dated 10.11.2014, terminating the service of the writ petitioner from the post of Makkal Nala Paniyalar, is under challenge in the present writ petition.

2.The writ petitioner was initially appointed as Makkal Nala Paniyalar by the District Collector in proceedings dated 22.06.1990. The petitioner states that subsequently, he was terminated from the post of Makkal Nala Paniyalar and thereafter, appointed as part time Clerk , pursuant to the resolution passed by the Sevalur Panchayat. Thereafter, the petitioner was removed from service on the ground that his appointment was irregular and not in accordance with the Government Order. In view of the fact that the appointment of the writ petitioner, at the age of 41 years, as part time Clerk was irregular, he was removed from service.



3.This Court is of the considered opinion that the petitioner has no right to claim permanent appointment, as he is not possessing the eligibility criteria. This apart, he was appointed as temporary part time Clerk by the Panchayt. When the appointment of the writ petitioner was irregular and in violation of the Government Order issued, there is no infirmity as such in respect of the order of removal from the post.

4.The learned counsel for the petitioner states that the benefits for which the petitioner is entitled, to be granted to the part time temporary Clerk, cannot claim any pensionary or terminal benefits as his service was not regularised and the petitioner was not working as a regular employee of the Panchayat. Thus, he is not entitled for any relief as such sought for in the present writ petition and therefore, there is no infirmity as such in respect of the order impugned. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Block Development Officer,
(Villae Panchayat)
Panchayat Union,
Ponnamaravathi & Taluk,
Pudukkottai District.

+1 CC to SGP (SR-24894[F] dated 10/12/2020)

W.P. (MD)No.18801 of 2014

09.12.2020

MJ(CO)

KM (21.12.2020) 2P 4C