



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD)No.27386 of 2019

and

W.M.P. (MD)No.23648 to 23650 of 2019

T.Soundarraaj

... Petitioner

/vs./

1.The Assistant Director of Town Panchayats,
Nagercoil Region, Nagercoil, Kanyakumari District.

2.The Executive Officer,
Reethapuram Town Panchayat,
Reethapuram, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification issued by the 1st respondent vide Na.Ka.No.7806/2019//Pa.5, dated 07.11.2019 and quash the same and consequently directing the respondents 1 and 2 to appoint the petitioner as 'Pipeline Fitter' in the permanent vacancy now available in Reethapuram Town Panchayat, Kanyakumari District.

For Petitioner : Mr.S.Bharathy Kannan

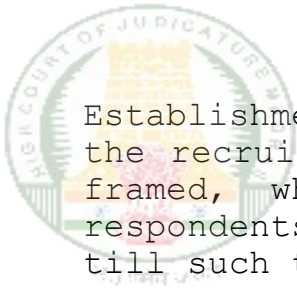
For R-1 : Mr.R.Sethuraman
Special Government Pleader

For R-2 : Mr.M.Rajarajan
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned notification issued by the 1st respondent vide Na.Ka.No.7806/2019//Pa.5, dated 07.11.2019 and quash the same and consequently directing the respondents 1 and 2 to appoint the petitioner as 'Pipeline Fitter' in the permanent vacancy now available in Reethapuram Town Panchayat, Kanyakumari District.

2. The petitioner herein has challenged the notification predominantly on the ground that the Tamil Nadu Town Panchayat



Establishment Rules, 1988 are not the relevant Rules for conducting the recruitment and submitted that the new Rules have already been framed, which is yet to come into force and therefore, the respondents should await for the new Rules to come into force and till such time, the notification should not be given effect to.

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3. I am not in agreement with such contention. It may be true that the respondents are contemplating to bring any new rules in the place of existing the Tamil Nadu Town Panchayat Establishment Rules, 1988, but it cannot be said that till such time the new Rules come into force, no appointment should be made based on the existing selection procedure. When the new Rules have admittedly not come into force, the respondents would be entitled to conduct the selection process for any post as per the existing selection Rules. As such, the ground raised by the learned counsel for the petitioner to set aside the notification cannot be sustained. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Assistant Director of Town Panchayats,
Nagercoil Region, Nagercoil, Kanyakumari District.

2.The Executive Officer,
Reethapuram Town Panchayat,
Reethapuram, Kanyakumari District.

+1 CC to M/s.SPL GP (SR-5232[F] dated 07/02/2020)

Order made in
W.P. (MD)No.27386 of 2019
Dated: 06.02.2020

JMN(20.02.2020) 2P : 4C