

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.12058 of 2020

M.Sakthivel

... Petitioner

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.
 2. The Block Development Officer,
(Village Panchayat),
Vellakovil Panchayat Union,
Vellakovil, Tiruppur District.
 3. The President,
Pachampalayam Panchayat,
Vellakovil Panchayat Union,
Tiruppur District.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st Respondent to permit the Petitioner to continue the Petitioner's service with the 3rd Respondent as Motor Pump Operator in Sukkuttipalayam Village, Pachampalayam Panchayat limits in Tiruppur District.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.P.V.Selvakumar,
Addl. Government Pleader

ORDER

Petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent to permit him to continue his service with the 3rd Respondent as Motor Pump Operator in Sukkuttipalayam Village, Pachampalayam Panchayat limits in Tiruppur District.

2. According to the Petitioner, he was working as a Motor Pump Operator with the 3rd Respondent for the past 20 years and

that, he was paid meagre salary. As the 3rd Respondent ousted him from service, the Petitioner made a representation dated 14.05.2020 to the 1st and 2nd Respondents seeking to provide him job and permit him to work as Motor Pump Operator. As there was no response, having no other alternative, the Petitioner has approached this Court.

3. The 3rd Respondent has filed a detailed counter Affidavit, wherein, it is stated that, based on the complaint dated 11.05.2020 made by the general public and the Inspection Report dated 11.05.2020 given by the Sanitary worker, the President/Executive Officer of Pachampalayam Village Panchayat vide Na.Ka.No.2/2020-2021, dated 12.05.2020, gave additional charge to one G.Palanisamy, Over Head Tank Operator of Hanumanthapuram to operate the Overhead Tank of Sukkuttipalayam Village Panchayat and directed to distribute drinking water to the general public.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. It is seen that, after ousting the Petitioner from service, another person has been appointed in his place. While so, the Petitioner has to challenge the appointment of the said person, by impleading him as a party to the proceedings and only being satisfied with the reasons stated in the Affidavit, the Court can grant the relief. Ultimately, if the relief sought for by the Petitioner is granted, the person who is already in employment in the place of the Petitioner, will be disturbed. It is stated that, the family members of the Petitioner have given a representation for continuation of the Petitioner in the services of the 3rd Respondent, as Motor Pump Operator.

6. Mr.P.V.Selvakumar, learned Additional Government Pleader appearing for the Respondents submitted that, there are counter-complaints against the Petitioner.

7. As there are disputed question of facts, the same cannot be adjudicated in the Writ Petition. Hence, this Court is not inclined to grant the relief sought for by the Petitioner. However, the dismissal of the Writ Petition is not a bar for the Petitioner to challenge the appointment order of the person appointed in his place.

8. Respondents are expected to furnish the details of the person, who has been appointed in the place of the Petitioner, including his appointment order, if any, to the Petitioner within one week from his request to furnish the same, in order to enable him challenge the same.

The Writ Petition stands dismissed with the above observation. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Block Development Officer,
(Village Panchayat),
Vellakovil Panchayat Union,
Vellakovil, Tiruppur District.
3. The President,
Pachampalayam Panchayat,
Vellakovil Panchayat Union,
Tiruppur District.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No. 7523

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No. 7642

W.P.No.12058 of 2020

LN(CO)
GN(07/07/2021)

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