



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.1041 of 2012

A.Bharath Kumar

... Appellant/Petitioner

Vs.

1.The President,
South Veerapandiapuram Panchayat,
South Veerapandiapuram,
Tuticorin - 628 002.

2.A.Ramesh

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 02.11.2012 made in W.P(MD)No.14049 of 2012 on the file of this Court.

Prayer in WP(MD). 14049 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of the writ by calling for the records relating to the Resolution NO.35 dated : 17.5.120 removing the petitioner from the services as the Pump operator of the first respondent and appointing the second respondent herein as its pump operator for T.Kumaragiri Water Tank, maintained by the 1st respondent and to quash the same and consequently to direct the 1st respondent to reinstate the petitioner in its services as the pump operator for T.Kumaragiri Water Tank, with all the monetary benefits and other service benefits with effect from 17.5.2010.

For Appellant : Mrs.P.Jessi Jeeva Priya
for Mr.G.Aravinthan

For R - 1 : Mr.G.Thalaimutharasu

For R - 2 : No appearance



JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

The appellant, who was the writ petitioner, has filed the above Writ Appeal challenging the order of dismissal in W.P(MD)No.14049 of 2012, dated 02.11.2012, wherein, the appellant had challenged the Resolution No.35, dated 17.05.2010, by which, the appellant was removed from service as a Pump Operator of the first respondent-Panchayat and the second respondent-Ramesh was appointed in his place.

2.It is seen that the appellant had suffered an electrical shock and he was unable to report to work and had given a leave letter on 10.11.2009. Thereafter, there was no response. As the pump operator was doing essential service to the Village, the second respondent was appointed by the Panchayat Union. Even after the resolution was passed and the second respondent was appointed as the pump operator in the place of the appellant, instead of challenging that, the appellant had produced a medical certificate, dated October, 2010 and sought for reinstating him. When there was no response, he gave a representation on 19.12.2011, which itself is after more than a year.

3.It is not out of place to mention that his removal from service is appealable and without exhausting the alternative remedy, once again, after a lapse of one year, in October, 2012, the appellant has moved this Court to quash the Resolution, dated 17.05.2010. There is no reason mentioned for the delay and laches on the part of the appellant for approaching this Court belatedly, even presuming that the Writ Petition was maintainable. Therefore, the learned Single Judge had rightly dismissed the Writ Petition, as the appellant had not exhausted the alternative statutory remedy available to him. We are also of the same opinion and there is no reason to interfere with the same. Accordingly, the Writ Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-12310[F] dated 18/03/2021)

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-12316[F] dated 18/03/2021)

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PM(CO)
TR(29.03.2021) 3P 3C