



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.7799 of 2021

and

W.M.P(MD)No.5939 of 2021

WEB COPY

Ramar

... Petitioner

vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Block Development Officer,
(Village Panchayats),
Sivakasi Panchayat Union, Virudhunagar District.

3.The President,
Saminatham Village Panchayat,
Sivakasi Panchayat Union,
Virudhunagar District.

... Respondents

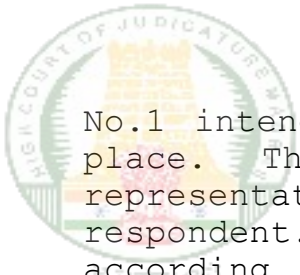
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to permit the petitioner to work as a Thooimai Kaavalar (Purity Guard) in the Saminatham Village Panchayat, Sivakasi Panchayat Union, Virudhunagar District.

For Petitioner	: Mr.M.Jothi Basu
For R - 1	: Mr.R.Murugaraj Government Advocate
For R - 2	: Ms.V.P.M.Vaishnavi Government Advocate
For R - 3	: Mr.C.Ramesh Special Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the third respondent to permit the petitioner to work as a "தூய்மை காவலர்" (Purity Guard) in the Saminatham Village Panchayat, Sivakasi Panchayat Union, Virudhunagar District.

2.According to the petitioner, he was appointed as "தூய்மை காவலர்" (Purity Guard) in the third respondent Panchayat on 06.07.2015 for executing solid waste management project in rural areas. He was allotted to do the work in Ward No.1 of the third respondent Panchayat. From that date onwards, the petitioner is discharging his duty to the satisfaction of public and others. The third respondent Panchayat used to credit his salary in the Bank account of the petitioner. While so, one Sethuraj, Councilor in Ward



No.1 intended to appoint one of his relatives in the petitioner's place. The petitioner on coming to know the same, sent representations, dated 19.01.2021 and 12.03.2021 to the second respondent. The second respondent has not passed any order. Further according to the petitioner, without there being any order, the third respondent and Sethuraj, Councilor in Ward No.1 are not permitting the petitioner to sign in the register. Hence, the petitioner has come out with the present Writ Petition for a direction to the third respondent to permit him to work as "தூய்மை காவலர்" (Purity Guard).

3.Heard the learned counsel appearing for the petitioner, Mr.P.Murugaraj, learned Government Advocate appearing for the first respondent, Ms.V.P.M.Vaishnavi, learned Government Advocate appearing for the second respondent and Mr.C.Ramesh, learned Additional Government Pleader appearing for the third respondent.

4.From the materials available on record, it is seen that the petitioner was appointed as "தூய்மை காவலர்" (Purity Guard) on 06.07.2015 and he is discharging his duty from that date onwards. He has given two representations to the second respondent alleging that the third respondent and Sethuraj, Councilor in Ward No.1 are trying to appoint one of the relatives of Sethuraj and preventing the petitioner from discharging his duty and third respondent Panchayat has not paid salary to the petitioner. The petitioner made serious allegations against the Ward Councilor Sethuraj. It is the duty of the second respondent to enquire into the matter. Hence, this Court, without deciding the various allegations made against the third respondent Panchayat and Sethuraj, Councilor in Ward No.1, directs the second respondent to consider the representations of the petitioner, dated 19.01.2021 and 12.03.2021 and conduct enquiry, after affording opportunity to the petitioner, the third respondent Panchayat and Sethuraj, Councilor of Ward No.1 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The third respondent is restrained from preventing the petitioner from discharging his duty as "தூய்மை காவலர்" (Purity Guard) and the third respondent is directed to pay salary regularly into the Bank account of the petitioner.

5.With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

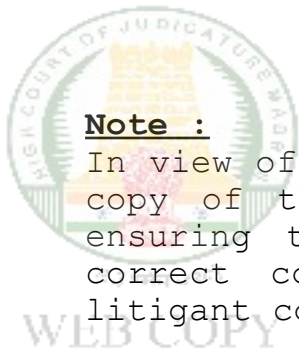
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

To

1.The District Collector,
Virudhunagar District,
Virudhungar.

2.The Block Development Officer,
(Village Panchayats),
Sivakasi Panchayat Union,
Virudhunagar District.

3.The President,
Saminatham Village Panchayat,
Sivakasi Panchayat Union,
Virudhunagar District.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-18006[F] dated 29/04/2021)

+1 CC to M/s.SPL GP (SR-18278[F] dated 30/04/2021)

W.P (MD) No.7799 of 2021
29.04.2021

MJ (CO)
KB (13.05.2021) 3P 6C