



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.15965 of 2021

A.Ganesh Raja

... Petitioner

vs.

1.The District Collector,
Tirunelveli District.

2.The Assistant Director of Village Panchayats,
Tirunelveli District.

3.The Block Development Officer (Village Panchayats),
Ambasamudram Panchayat,
Tirunelveli District.

4.The President,
Adaiyakarunkulam Panchayat,
Tirunelveli District.

5.The President,
Vellamkuzhi Panchayat,
Tirunelveli District.

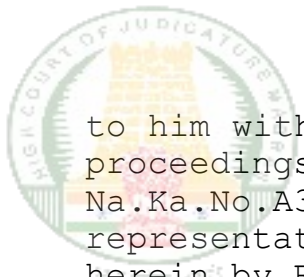
... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to permit the petitioner to join in service as Panchayat Clerk/Secretary before fifth respondent Panchayat with continuity of service by disbursing all other service and monetary benefits legally entitled to him with retrospective effect from 01.08.2008 on the basis of the proceedings passed by the 3rd respondent herein vide Na.Ka.No.A3/418/08 dated 28.07.2008 by considering the petitioner's representation dated 09.07.2021, made before the respondents 1 to 3 herein by RPAD.

For Petitioner	: Mr.B.Brijesh Kishore
For RR 1 and 2	: Mr.S.Shanmugavel, Standing counsel
For R3 to 5	: Mr.R.Sureshkumar

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to permit the petitioner to join in service as Panchayat Clerk/Secretary before the fifth respondent Panchayat with continuity of service by disbursing all other service and monetary benefits legally entitled



to him with retrospective effect from 01.08.2008 on the basis of the proceedings passed by the 3rd respondent herein vide Na.Ka.No.A3/418/08 dated 28.07.2008 by considering the petitioner's representation dated 09.07.2021, made to the respondents 1 to 3 herein by RPAD.

WEB COPY

2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, while he was working as Panchayat Clerk, on certain allegations, he was placed under suspension, which later came to be revoked by virtue of the proceedings dated 18.05.2004 of the 3rd respondent since the petitioner deposited the alleged misused amount. However, since the petitioner was permitted to join duty, he filed W.P.No.19171 of 2004 seeking a direction to the 1st 2nd respondents to implement the order dated 18.05.2004 and to reinstate him in service and also to pay subsistence allowances, which was disposed of by this Court vide order dated 27.09.2006. Pursuant to the order of this Court, the 4th respondent vide proceedings dated 01.01.2007, reinstated the petitioner in service with effect from 01.02.2007 without prejudice to the criminal case pending against him. But as regards to subsistence allowance, no order was passed. Later, the 3rd respondent vide proceedings dated 28.07.2008, transferred the petitioner from 4th respondent Panchayat to 5th respondent Panchayat. But the 5th respondent had not permitted the petitioner to join duty stating that he was involved in a criminal case and till the outcome of the same case, the petitioner cannot be accommodated. Subsequently, the petitioner got acquitted in criminal case in C.C.No.214 of 2007 vide judgment dated 29.04.2017 by the learned Judicial Magistrate, Ambasamudram. The grievance of the petitioner is that despite his acquittal in criminal case, the petitioner was not permitted to join duty. Hence, he made a detailed representation 09.07.2021 before the respondents 1 to 3, praying to permit him to join duty as Panchayat Clerk and also to pay consequential monetary benefits with retrospective effect from 01.08.2008. Since no action is forthcoming despite his representation, the petitioner has come forward with the present Writ Petition.

5. The learned Standing counsel appearing for the respondents 1 & 2 would submit that if the representation made by the petitioner is otherwise in order and pending with the respondents, the same would be considered and disposed of in accordance with law within a reasonable time as directed by this Court.



6. In view of the submissions made by the learned counsel for the petitioner and the learned Standing counsel appearing for the respondents 1 & 2, without expressing any opinion on merits, this Court directs the respondents 1 to 3 to consider the petitioner's representation dated 09.07.2021 and pass appropriate orders therein in accordance with law and on merits, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

dn

To

1.The District Collector,
Tirunelveli District.

2.The Assistant Director of Village Panchayats,
Tirunelveli District.

3.The Block Development Officer (Village Panchayats),
Ambasamudram Panchayat,
Tirunelveli District.

4.The President,
Adaiyarkarunkulam Panchayat,
Tirunelveli District.

5.The President,
Vellamkuzhi Panchayat,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-28512[F] dated 08/09/2021)

W.P. (MD) No.15965 of 2021
07.09.2021

PK (CO)
KB(21.09.2021) 3P 7C