



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.761 of 2014

WEB COPY

- 1.T.Govindarasu (Died)
- 2.G.Chandra
- 3.G.Moorthy
- 4.G.Ashokkumar
- 5.G.Sudhakar

... Petitioners

***(Petitioners 2 to 5 are impleaded,
vide Court Order, dated 17.09.2021,
in W.M.P. (MD)No.13496 of 2021 in
W.P. (MD)No.761 of 2014)***

vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur - 613 001.
- 2.The Assistant Director of Rural
Development (Panchayats),
Panchayat Development Officer,
Thanjavur - 613 001.
- 3.The Block Development Officer,
Sethubhavachathram Union,
Peravurani,
Thanjavur District - 614 804.
- 4.The President,
Panchayat Board,
Veeriyankottai - 614 802,
Thanjavur District.

5.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the fourth respondent to permit the first petitioner to discharge the first petitioner duty as on OHT operator, Keezhakadu, Veeriyankottai Panchayat, Sethubhavachathram Panchayat Union on the basis of the order of the second respondent, dated 26.12.2012, in Na.Ka.No.161/2012/A6 as well as the third respondent, dated 15.11.2012, in Na.Ka.No.2842/2012/A3 and further to pay the entire



salary from 31.05.2012, till the date of reinstatement.

For Petitioners	: Mr.P.Senthil
For R1 to R4	: Mr.D.Sachi Kumar
	Additional Government Pleader
For R5	: No representation

WEB COPY

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, to direct the fourth respondent to permit the first petitioner to discharge the duty as on OHT operator, Keezhakadu, Veeriyankottai Panchayat, Sethubhavachathram Panchayat Union on the basis of the order of the second respondent, dated 26.12.2012, in Na.Ka.No.161/2012/A6 as well as the third respondent, dated 15.11.2012, in Na.Ka.No.2842/2012/A3 and further to pay the entire salary from 31.05.2012, till the date of reinstatement.

2.The first petitioner was appointed as an "Over Head Tank Operator" in Keezhakadu, Veeriyankottai Panchayat, Sethubhavachathram Panchayat Union, on 01.05.2000. The fourth respondent President passed a Resolution No.55 and relieved the first petitioner from service on 31.05.2012 on the premise that the petitioner has attained superannuation. The contention of the first petitioner is that the Government have issued G.O.Ms.No.17, Rural Developments and Panchayats (E5) Department, dated 10.02.2011, wherein, it has been specifically stated that the age of superannuation for "Over Head Tank Operator" is 60. The respondent with ulterior motive passed the resolution stating that the petitioner has attained the age of 63 and relieved from service.

3.Aggrieved over the same, the first petitioner submitted a petition before the Block Department Officer. The Block Development Officer, vide order, dated 15.11.2012, after verifying the records has held that the first petitioner has attained the age of 56 and directed the President to reinstate the first petitioner. In spite of the same, the President has not reinstated the first petitioner. Aggrieved over the same, first petitioner has approached the Assistant Director of Rural Development (Panchayats). There also the President was directed to hand over the keys to the first petitioner. The President has not obeyed the orders of the second and third respondents. Therefore, the first petitioner has approached this Court with a prayer to implement the order, dated 15.11.2012 and 26.12.2012 and further pay the salary from 31.05.2012 till the day of reinstatement. This Court has passed an interim order in M.P.(MD)No.3 of 2014, dated



18.09.2014 directing to hand over the keys and to reinstate the petitioner.

4. Since the interim order was not implemented, this Court directed the President to appear before this Court. Since the President had not appeared, a warrant was issued. Thereafter, the President appeared before this Court and has given an undertaking to hand over the keys to the first petitioner and the first petitioner was reinstated from 19.09.2014.

5. Heard Mr.P.Senthil, learned Counsel appearing for the petitioner and Mr.D.Sachi Kumar, learned Additional Government Pleader appearing for the respondents 1 to 4.

6. Based on the interim order, dated 18.09.2014, the first petitioner was permitted to continue his service from 19.09.2014. The first part of the prayer is granted to the petitioner. As far as the salary is concerned, the first petitioner was not paid any salary from 31.05.2012 till the date of reinstatement that is 19.09.2014. Thereafter, from 20.09.2014, until the retirement that is 31.05.2016, the petitioner was not paid any salary. It is also seen that the first petitioner died and the legal heirs are impleaded in the Writ Petition.

7. Therefore, this Court is directing the President to pay the salary for the period from 31.05.2012 till the date of superannuation. The third respondent is directed to ensure that the fourth respondent is paying the entire amount to the petitioners 2 to 5. Therefore, this Court directs the respondents to pay the salary within a period of four weeks from the date of receipt of a copy of this order.

8. The Writ Petition is allowed with the above direction. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Tmg



To

1.The District Collector,
Thanjavur District,
Thanjavur - 613 001.

2.The Assistant Director of Rural
Development (Panchayats),
Panchayat Development Officer,
Thanjavur - 613 001.

3.The Block Development Officer,
Sethubhavachathram Union,
Peravurani,
Thanjavur District - 614 804.

4.The President,
Panchayat Board,
Veeriyankottai - 614 802,
Thanjavur District.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-39465[F] dated 20/12/2021)
+1 CC to M/s.SPL GP (SR-39491[F] dated 20/12/2021)

W.P. (MD) No.761 of 2014
17.12.2021

KM(CO)
SB(19.01.2022) 4P 7C