



Writ Petition No.10016 of 2015

WEB COPY

For Petitioner ... Mr.C.Prakasam

For respondents ... Mrs.R.Anitha
Special Government Pleader
for R.1.

Mr.R.Ravichandran
for R.R.2 and 3.

ORDER

This writ petition has been filed to direct the respondents from filling up the Office Assistant post in Kattumannarkoil Panchayat Union without following the procedures for constituting the Appointment Committee by passing Resolution in Union Council Meeting.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the first respondent and Mr.R.Ravichandran, learned counsel for the respondents 2 and 3.

3. The grievance of the petitioner is that second and third respondents constitute an Appointment Committee for appointing 3 Office Assistants in the second respondent Panchayat, without passing any Resolution.



4. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the first respondent and Mr.R.Ravichandran, learned counsel for the respondents 2 and 3.

5. Learned counsel appearing for the petitioner submitted that election of a Member to the Appointment Committee shall be held in the office of the Panchayat Union and shall be from among the elected members of the Panchayat Union Council at a meeting specially convened for that purpose. But no such meeting was conducted. The petitioner was elected as second Union Councilor in the second respondent Panchayat, but the second and third respondents have themselves constituted a Committee which is illegal.

6. Counter affidavit of the second respondent has been filed, wherein it is stated that G.O.336 Rural Development dated 26/11/1997 was subsequently amended, by Act No.59 of 2008 and incorporated under Section 96 of the Tamil Nadu Panchayat Act and the same reads as follows:-

“BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth year of the Republic of India as follows:-

1. (1). This Act may be called the Tamil Nadu Panchayats (Ninth Amendment) Act, 2008.



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2. It shall come into force on such date as the State Government may, by Notification, appoint.

2. In Section 96 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act), in sub-Section (1) in Clause (a) for the expression “which shall be composed of the Chairman of the Panchayat Union Council, the Commissioner and one member elected annually by the Panchayat union Council”, the expression “which shall be composed of the Chairman and the vice-Chairman of the Panchayat Union council and the Commissioner” shall be substituted.

3. Notwithstanding anything contained in the principal Act or the rules made thereunder, the members elected by the Panchayat Union Councils to the Appointments Committees for Panchayat Unions and holding office as such immediately before the date of commencement of the Tamil Nadu Panchayats (Ninth Amendment) Act, 2008 shall cease to be members of the Appointments Committees on the date of commencement of the Tamil Nadu Panchayats (Ninth Amendment) Act, 2008.”

7. In such a view of the matter, nothing survives for further



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adjudication. Accordingly, this writ petition is dismissed as infructuous. No costs.

20/12/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

1. The District Collector
Cuddalore District
Cuddalore.
2. The Block Development Officer
Panchayat Union
Kattumannarkoil
Cuddalore District.
3. The Chairman
Kattumannarkoil Panchayat Union
Kattumannarkoil
Cuddalore District.

N. SATHISH KUMAR, J



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