



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11919 of 2010

V.Elumalai

.. Petitioner

Versus

1. Namathodu Village Panchayat,
represented by its President,
Peranamallur Union, Vandavasi Taluk,
Tiruvannamalai District.
2. The Block Development Officer,
Peranamallur Panchayat Union,
Peranamallur, Vandavasi Taluk,
Tiruvannamalai District.
3. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
4. C.Unnamalai
5. V.Pichamuthu

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to resolution No.6, dated 23.04.2002 on the file of the first respondent and to quash the same and consequently, to direct the respondent to reinstate the petitioner to the post of Part-time Clerk, Namathodu Panchayat with monetary and service benefits.

For Petitioner : Mr.P.Selvaraj

For R1 : Mr.N.A.Nassir Hussain

For R2 : M/s.A.Parimala,
for Mr.P.Nethaji

For R3 : Mrs.E.Ranganayaki,
Additional Government Pleader

For R4 and R5 : No Appearance



ORDER

This Writ Petition is filed praying to call for the records relating to the resolution No.6, dated 23.04.2002 on the file of the first respondent and to quash the same and consequently, to direct the respondent to reinstate the petitioner to the post of Part-time Clerk, Namathodu Panchayat with all monetary and service benefits.

2. However, when the matter came up for hearing, the learned Counsel for the first respondent would submit that as a matter of fact, pursuant to that, an order of termination dated 23.04.2002 was also passed and under Section 202 of the Tamil Nadu Panchayats Act, an appeal is provided to the Inspector of Panchayats. The Writ Petitioner has neither specifically challenged the order nor filed an appeal.

3. The learned Counsel for the petitioner would submit that in the event of this Court extending time to file appeal within a reasonable time, he would now file an appeal. In view of the said submission, time of thirty days is granted from the date of receipt of the copy of the order enabling the petitioner to file an appeal to the Inspector of Panchayats, as against the order of termination, dated 23.04.2002. If and when such appeal is filed, the same shall be dealt with and considered and disposed off on merits by the authority concerned in accordance with law, as if it is filed within time.

4. It is submitted by the learned Counsel for the second respondent that subsequently, another incumbent has been appointed in the said vacancy and there is a long lapse of time of 20 years. All the contentions by both the parties can be raised before the appellate authority.

5. With the above said observations, the Writ Petition is disposed off. No costs. Consequently, M.P.No.1 of 2012 is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

grs



To

1. Namathodu Village Panchayat
represented by its President,
Peranamallur Union, Vandavasi Taluk,
Thiruvannamalai District.
2. The Block Development Officer,
Peranamallur Panchayat Union,
Peranamallur, Vandavasi Taluk,
Tiruvannamalai District.
3. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

+lcc to Mr.P.Nethaji, Advocate, S.R.No.24990
+lcc to Mr.P.Selvaraj, Advocate, S.R.No.24691
+lcc to the Government Pleader, S.R.No.25480

W.P.No.11919 of 2010

GP(CO)
CT 21/04/2022