



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8717 of 2022

and

W.M.P.Nos.8635, 8636 of 2022

E.Balasubramaniam

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St. George, Chennai - 600 009.

2.The Director,
Directorate of Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai - 600 015.

3.The District Collector/Inspector,
Tiruppur District,
Tiruppur.

4.The Chairman,
Palladam Panchayat Union Council,
Palladam, Tiruppur District.

5.The Commissioner,
Palladam Panchayat Union,
Palladam, Tiruppur District.

6.M.Rajkumar

7.M.Balakrishnan

8.C.Muthukumar

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, to call for the records, pertaining to the proceedings of the 5th respondent in Na.Ka.No.2977/2019/A1, dated 24.01.2022 (Impugned Order - I), Na.Ka.No.2977/2019/A1, dated 24.01.2022 (Impugned Order - II) and Na.Ka.No.2977/2019/A1 dated 24.01.2022 (Impugned Order-III), pursuant to the unilateral resolution in Resolution No.391 dated 12.01.2022, and quash the same as arbitrary and illegal.



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For Petitioner : Mr.R.Singaravelan,
Senior counsel for
Mr.V.Lakshai Sajin Kumar
For Respondents : Mrs.P.Rajarajeswari,
1 to 3 Government Advocate
For Respondents : Mrs.Senthil Selvi
4 and 5

O R D E R

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

2. The case of the petitioner in brief:

The petitioner was elected as Vice Chairman of Palladam Panchayat Union Council, during the local body elections conducted in January 2020. The 5th respondent herein had issued a Notification dated 19.11.2019, to fill up certain posts viz., Record Clerk, Office Assistant and Night Watchman. Apart from the publication of the said notification, list of eligible candidates was also called from the District Employment Exchange. Due to the large number of candidates and in capacity of the Member of the Appointment Committee, the petitioner also interviewed 400 candidates. The testimonials of the said candidates were also recorded for further consideration. Meanwhile, without even considering the candidates interviewed by the petitioner herein and the candidates recommended by the Employment Exchange, the 4th and 5th respondents herein forwarded a finalized list of candidates to the 3rd respondent. Some irregularities were committed by the Committee Members in filling up the vacancies having not followed the procedure as contemplated in Tamil nadu Act No.59 of 2008 (The Tamil Nadu Panchayats (Ninth Amendment) Act, 2008). The 3rd respondent has sent specific instructions to follow the procedure and passed a resolution for selecting the aforesaid posts. They had not even received any information or communication from the 4th respondent for the aforesaid selection process for appointing the respondents 6 and 7. Therefore, aggrieved by the said discriminating decision taken by the 4th and 5th respondents, the writ petitioner has made an appeal before the 3rd respondent / District Collector on 27.01.2022 and the same is pending. Therefore, appropriate orders may be passed directing the 3rd respondent to dispose of the appeal filed by the petitioner.

3. Mrs.P.Rajarajeswari, learned Government Advocate takes notice for the respondents 1 to 3 and she would submit the representation of the petitioner dated 27.01.2022, is pending with the 3rd respondent and appropriate orders will be passed on merits and in accordance with law.



4. The learned Senior Counsel appearing for the petitioner would submit that considering the fact that the aforesaid representation dated 27.01.2022, is pending before the 3rd respondent, no prejudice would be caused to the parties, if the said representation will be disposed of within a time specified by this Court.

5. In view of the aforesaid submission and the request made by the learned Senior Counsel appearing for the petitioner, this Court is inclined to direct the 3rd respondent to consider the petitioner's representation dated 27.01.2022 and pass orders on its own merits and in accordance with law, after providing an opportunity to the respondents 4 to 7, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall also make his representation along with the copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 2.The Director,
Directorate of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai - 600 015.
- 3.The District Collector/Inspector,
Tiruppur District,
Tiruppur.
- 4.The Chairman,
Palladam Panchayat Union Council,
Palladam,
Tiruppur District.



5.The Commissioner,
Palladam Panchayat Union,
Palladam,
Tiruppur District.

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+1cc to the Government Pleader, S.R.No.25069 [09/06/2022]

W.P.No.8717 of 2022
and
W.M.P.Nos.8635, 8636 of 2022

rp (CO)
A.SK(11/04/2022)