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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 23240 of 2019

S. Thirumarai Selvan

... Petitioner

-vs-

1. The Director,
Rural Development and Panchayat Directorate,
Panagal Maaligai,
Saidapet,
Chennai - 600 015.
2. The District Collector,
Nagapattinam District,
Nagapattinam.
3. The Special Officer/ Block Development Officer,
(Village Panchayat),
Vedaranyam.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent herein to dispose of the Petitioner's appeal dated 05.02.2019 in accordance with law and within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr. S.Balamurugan
Government Advocate

O R D E R

Heard Mr. K.Govi Ganesan, Learned Counsel for the Petitioner and Mr. S.Balamurugan, Learned Government Advocate appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.



2. The Writ Petition has been filed for directing the First Respondent to dispose the appeal dated 05.02.2019 filed by the Petitioner in accordance with law.

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3. The Petitioner had been inflicted with the penalty of increment cut for three years with cumulative effect and for recovery of Rs. 55,000/- from his salary by Order in Na. Ka. No. 1292/Oo.Va.8/2016 dated 08.11.2018 passed by the Second Respondent and he was entitled to prefer appeal against the said order within a period of 60 days from the date of its receipt as mentioned therein.

4. The grievance ventilated by the Petitioner in this Writ Petition is that though he had preferred an appeal dated 05.02.2019 against the said order, no action has been taken thereon and in that backdrop, he has filed this Writ Petition for directing the First Respondent to dispose the said appeal within a time limit that may be fixed by the Court.

5. Learned Government Advocate appearing for the Respondents, on instructions, states that the Order in Na. Ka. No. 1292/Oo.Va.8/2016 dated 08.11.2018 passed by the Second Respondent had been delivered to the Petitioner on 07.12.2018 and as the appeal against that order had been preferred by the Petitioner on 07.02.2019, beyond the prescribed period of 60 days, it has not been entertained. It is further brought to notice that the Additional Chief Secretary to Government, Rural Development and Panchayat Raj (E2) Department, Chennai by Letter No. 8901/E2/2016-13 dated 13.09.2019 has informed the decision of the Government to exercise the powers to review invoking Rule 19 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, to enhance the punishment imposed on the Petitioner by the Second Respondent and necessary action has been taken in that regard. He has also produced copies of the relevant proceedings from the concerned authorities, which have been placed on record, and Learned Counsel for the Petitioner has also acknowledged its receipt.

6. In such circumstances, the question of requiring the First Respondent to dispose the appeal dated 05.02.2019 as sought in the Writ Petition does not arise, but it would not preclude the Petitioner, if he is aggrieved by the aforesaid subsequent events, to pursue appropriate legal remedies in the manner recognized by law.



In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kv/skr

To

1. The Director,
Rural Development and Panchayat Directorate,
Panagal Maaligai,
Saidapet, Chennai - 600 015.
2. The District Collector,
Nagapattinam District,
Nagapattinam.
3. The Special Officer/ Block Development Officer,
(Village Panchayat),
Vedaranyam.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.28750
+1cc to the Government Pleader, S.R.No.28908

W.P. No. 23240 of 2019

KJ[co]
NSK 11/05/2022