



WP(MD)No.16159 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.16159 of 2022
and
W.M.P.(MD)No.11688 of 2022

A.Ganesh Raja

... Petitioner

/vs./

1.The District Collector,
Tirunelveli District.

2.The Assistant Director of Village Panchayats,
Tirunelveli District.

3.The Block Development Officer (Village Panchayats),
Ambasamudram Panchayat Union,
Tirunelveli District.

4.The President,
Adaiyakarunkulam Panchayat,
Tirunelveli District.

5.The President,
Vellanguli Panchayat,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent herein vide Na.Ka.No. Gna12/17448/2020, dated 05.05.2022 and quash the same as illegal and consequently direct the respondents 1 to 3 herein to permit the petitioner to join in service as Panchayat Clerk / Secretary before 5th Respondent Panchayat with Continuity of Service by disbursing all other service and monetary benefits legally entitled to him with retrospective effect from 01.08.2008.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader (for R1 & R2)

Mr.P.Thambidurai

Government Advocate (for R3 to R5)

ORDER

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

2.The petitioner herein, while serving as a Panchayat Clerk / Secretary in the fourth respondent Panchayat Union, was initially placed under suspension on 17.03.2002 and thereafter, the suspension order came to be revoked on



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18.05.2004. In this background, the petitioner came to be transferred on 28.07.2008 to the fifth respondent Panchayat Union.

3.It is the case of the petitioner that when he had attempted to join the fifth respondent Panchayat, he was refused. In this background, he had filed a Writ Petition before this Court in W.P(MD)No.15965 of 2021 and the Writ Petition came to be disposed of at the admission stage, directing the respondents to consider the petitioner's representation for joining the fifth respondent Panchayat Union, without expressing any of its views.

4.The facts disclosed before this Court in the earlier order in W.P(MD)No. 15965 of 2021 referred only to the facts relating to his suspension, revocation of suspension and the transfer order. The further factual developments to the case were not discussed therein.

5.Pursuant to the orders of this Court, the first respondent herein had now rejected the petitioner's claim by stating that on 01.08.2008, the petitioner herein had resigned from the post of the Panchayat Clerk / Secretary and his resignation



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was accepted by the fourth respondent herein through their resolution, dated 13.08.2008, and he was also relieved. Thereafter, the vacancy in the post of Panchayat Clerk / Secretary in the fourth respondent Panchayat Union was also filled up on 08.03.2019 by appointing one Ms.K.Surekha. Based on these developments, the petitioner's representation was rejected on the ground that there were latches of thirteen years and that the vacancy that arose owing to the resignation of the petitioner was also filled up and therefore, the fourth respondent has expressed his inability to comply with the petitioner's request. I do not find any infirmity in such a finding.

6. When the petitioner herein had resigned from the post wayback on 01.08.2008, which was accepted by the fourth respondent and a resolution has also been passed to that effect, relieving the petitioner and thereafter, the post was also filled up on 08.03.2019, consideration of the petitioner's request to join duty, does not arise. This apart, there is absolutely no explanation as to why the petitioner had waited for almost thirteen years for redressing his grievances and hence, the reasoning adopted by the fourth respondent by stating that there were latches on the part of the petitioner, cannot be found fault with.



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7.The learned counsel for the petitioner made an attempt to state that the petitioner had not tendered any resignation at all. On the other hand, the learned Special Government Pleader appearing for the respondents produced a copy of the petitioner's hand written resignation letter, dated 01.08.2008 given by him to the fourth respondent herein.

8.If at all the petitioner is of the view that the resignation letter was not given by him, he is at liberty to challenge the sanctity of this resignation, dated 01.08.2008. However, I do not find any infirmity in the findings of the fourth respondent in the present impugned order. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

25.07.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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Order made in
W.P.(MD)No.16159 of 2022

Dated:
25.07.2022