



W.P.(MD).No.16938 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16938 of 2014

and

M.P.(MD).No.1 of 2014

G.Ramakrishnan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer,
Alangulam Panchayat Union,
Tirunelveli District.

3.The President,
Kidara Kulam Panchayat,
Alangulam Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order issued by the first respondent in his Na.Ka.No.Ga12/31444/2014 dated 25.09.2014 and quash the same as illegal, without jurisdiction and authority and consequently direct the respondents to



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grant all service, monetary and attendant benefits to the petitioner from the date of cancellation of appointment till the date of reinstatement.

For Petitioner : Mr.Mohamed Suhail,
For M/s.Ajmal Associates.

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General,
Assisted by,
Mr.R.Suresh Kumar,
Additional Government Pleader.

ORDER

This Writ Petition is filed challenging the order dated 25.09.2014 and consequently direct the respondents to grant all service, monetary and attendant benefits to the petitioner from the date of cancellation of appointment till the date of reinstatement.

2. The contention of the petitioner is that he was appointed by the third respondent on 01.09.2014. Subsequently, the third respondent cancelled the appointment by citing G.O.Ms.No.72 Rural Development Panchayat Raj (E5) Department dated 09.07.2013. In the meanwhile, the said G.O.Ms.No.72 was challenged in W.P.(MD)No.16884 of 2013 and interim stay was granted on 19.04.2017.



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3. In the present case, an order of interim stay was granted and based on the stay order, the petitioner is still continuing in the said post. The contention of the respondents is that the Panchayat President has not constituted Selection Committee for selecting the petitioner, which is against G.O.Ms.No.72. Since the said Government Order is stayed by High Court, the petitioner is also continuing in the service based on the interim order and the petitioner is entitled to continue in the service. The Government is also intended to issue fresh Rules.

4. Therefore, this Court is of the considered opinion that the petitioner was appointed based on the erstwhile rules. The Panchayat also passed the resolution approving the appointment of the petitioner. Therefore, at this stage, the petitioner cannot be disturbed.

5. Even if the respondents are passing fresh rules, it will come into effect prospective only. In such circumstances, the petitioner's appointment is legally valid. Therefore, the respondents are restrained from disturbing the petitioner. The respondents are directed to allow the petitioner to continue in service.



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Hence, the impugned order is quashed and the respondents are directed to grant consequential benefits to the petitioner.

6. In view of the above, this Writ Petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

26.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Block Development Officer,
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Tirunelveli District.
- 3.The President,
Kidara Kulam Panchayat,
Alangulam Taluk,
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S.SRIMATHY, J.

Nsr

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