



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Fifteenth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice BATTU DEVANAND

WMP(MD) No.18458 of 2023

IN

WP(MD) No.10443 of 2016

1 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS SECRETARY,
RURAL DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE, SECRETARIAT,
CHENNAI-600 009.

... 1st PETITIONER/1st RESPONDENT

2 THE DIRECTOR OF RURAL DEVELOPMENT,
PANAGAL BUILDING, SAIDAPET,
CHENNAI-600 005.

... 2nd PETITIONER/2nd RESPONDENT

Vs

1 SIVALINGAM

... RESPONDENT/PETITIONER

2 THE DISTRICT COLLECTOR / INSPECTOR OF PANCHAYATS,
PUDUKKOTTAI DISTRICT,
PUDUKKOTTAI.

... RESPONDENT & 3rd RESPONDENT

3 THE BLOCK DEVELOPMENT OFFICER
ANNAVASAL PANCHAYAT UNION,
PUDUKKOTTAI DISTRICT.

... RESPONDENT & 4th RESPONDENT

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant leave to file a counter affidavit in WP (MD) No.10443 of 2016.



Prayer in WP(MD). 10443/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to regularize the service of the petitioner as watchman from the date of his initial appointment by absorbing him in the time scale of pay in any one of the existing vacancies under their control and to grant all consequential service and monetary benefits.

ORDER : This Writ Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.VEERAKATHIRAVAN, Additional Advocate General assisted by Mr.P.SUBBARAJ, Special Government Pleader for the petitioner, the Court made the following order:-

This petition is filed seeking leave of the Court to permit the petitioner/R2 to file counter affidavit in the main Writ Petition.

2. Admittedly, counter affidavit has been filed beyond the time stipulated in Rule 24(2) of Madras High Court Writ Rules.

3. However, considering the fact that counter affidavit is essential for proper adjudication of the issue involved in this Writ Petition, this Court intends to grant leave to the petitioner to file counter affidavit subject to certain condition.

4. Accordingly, this petition is allowed and counter affidavit is taken on file on condition that the petitioner shall pay the cost of Rs.5,000/- (Rupees Five Thousands



Only) to Rojavanam Old Age Home, Uthangudi, Madurai District, within a period of one week and to file a memo of cost before the Registry by the next date of hearing.

sd/-
15/09/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SECRETARY,
GOVERNMENT OF TAMIL NADU
RURAL DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE, SECRETARIAT,
CHENNAI-600 009.
- 2 THE DIRECTOR OF RURAL DEVELOPMENT,
PANAGAL BUILDING, SAIDAPET,
CHENNAI-600 005.
- 3 THE DISTRICT COLLECTOR / INSPECTOR OF PANCHAYATS,
PUDUKKOTTAI DISTRICT,
PUDUKKOTTAI.
- 4 THE BLOCK DEVELOPMENT OFFICER
ANNAVASAL PANCHAYAT UNION,
PUDUKKOTTAI DISTRICT.

COPY TO:

- 1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



2 THE SECTION OFFICER,
WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

3 THE OFFICER INCHARGE,
ROJAVANAM OLD AGE HOME,
UTHANGUDI,
MADURAI DISTRICT

ORDER
IN
WMP(MD) No.18458 of 2023
IN
WP(MD) No.10443 of 2016
Date :15/09/2023
(1/3)

SS/DD/20/09/2023/3P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023