



W.P.(MD)No.25210 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25210 of 2023

and

W.M.P(MD) No.21404 of 2023

1. Arumugam
2. P.Ganesan

... Petitioners

Vs.

1. The Principal Secretary
to Government of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat,
Chennai.
2. The Commissioner of Rural Development,
and Panchayt Raj,
Directorate of Rural Development and Panchayat Raj,
Panagal Buildings,
Chennai.
3. The District Collector,
Pudukkottai.
4. The Assistant Director of Panchayat,
Pudukkottai.



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5. The Block Development Officer,
Office of Annavasal Panchayat Union,
Annavasal Post,
Illupur Taluk,
Pudukkottai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus thereby forbearing the third respondent to treat the post of night watchman as vacant in the office of the fifth respondent.

For Petitioners	: Mr.P.Ganapathi Subramanian
For Respondents	: Mr.S.Shaji Bino Special Government Pleader For R1 to R4
	: Mr.D.Sadiq Raja – for R5

ORDER

The present Writ Petition has been filed by the petitioners seeking a mandamus forbearing the respondents from treating the post of night watchman in the office of the fifth respondent as vacant.



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2. According to the writ petitioners, they were working as night watchman from the year 2008 onwards. However, their services have not been regularised. Therefore, they have filed a petition in W.P(MD) No.18988 of 2023, which is pending.

3. The Director of Rural Development and Panchayat Raj Department has issued the communication dated 11.09.2023 directing all the District Collectors to fill up the vacant post of watchman. The petitioners now apprehend that the vacant post of watchman in the fifth respondent Panchayat Union is likely to be filled up by direct recruitment and their possibility of getting regularised to the said post could get affected. Hence, the present writ petition.

4. Per contra, the learned Special Government Pleader appearing for the official respondents contended that there is only one sanctioned post of watchman in the fifth respondent Panchayat Union, which is already occupied by one K.Selvaraj and he is under suspension with effect from 30.12.2003. Therefore, as on today there is no vacancy for the post of night watchman in the said Panchayat Union. The apprehension of the writ petitioners is



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unfounded. Therefore, any efforts taken by the official respondents to fill up the night watchman post with regard to other Panchayat Unions will not affect the rights of the writ petitioners in W.P(MD) No.18988 of 2023.

5. With the above said observation, this Writ Petition is disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

18.10.2023

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