



WEB COPY



W.P.No.865 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.865 of 2024
and
W.M.P.Nos.890 and 892 of 2024

Mallappa

...Petitioner

-Vs-

1.The District Collector,
Namakkal District,
Namakkal.

2.The Commissioner,
Punchayat Union,
Sendamangalam,
Namakkal District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the order dated 06.11.2023 passed in Na.Ka.No.Ni.3/1659/2022-1 by the first respondent and the consequential order of the second respondent dated 14.11.2023 passed in Na.Ka.No.3887/2023/A1 and quash the same and consequentially directing the respondents to reinstate petitioner's services with continuity of services and back wages.



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For Petitioner : Mr.J.Titus Enock

For Respondents : Dr.T.Seenivasan
Special Government Pleader

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ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 06.11.2023 and the order passed by the second respondent dated 14.11.2023, thereby removed the petitioner from service.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had worked as an Assistant in Thali Panchayat Union from 01.06.1995 to 30.11.1999 as daily wages. Thereafter, he had worked as Assistant in the Engineering Division of Thali Panchayat Union from 01.12.1999 to 30.09.2012. As per G.O.Ms.No.69, Rural Development and Municipalities Department dated 06.08.2012 and G.O.Ms.No.38, Rural Development and Municipalities Department dated 03.05.2013, it was ordered that the Work Assistants who were appointed before the year 1997 and worked for more than 10 years on daily wages be regularized. The name of the petitioner was forwarded by the Commissioner, Panchayat Union, Thali,



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Krishnagiri District, to the District Collector, Krishnagiri by his letter dated 24.12.2012, since the petitioner had completed ten years of service.

4. While being so, the petitioner was issued with a show cause notice dated 12.04.2022, calling upon the petitioner to show cause as to why he should not be removed from service on the ground that he had not completed ten years of service in the year 2012. After giving explanation and after giving an opportunity, the petitioner was removed from service. It was challenged before this Court in W.P.No.14109 of 2022. This Court, by an order dated 05.12.2022, had set aside the order passed by the first respondent and directed the first respondent to give an opportunity to the petitioner and pass orders on merits and in accordance with law. As directed by this Court, the first respondent conducted a detailed enquiry and after giving an opportunity of hearing, passed an order dated 06.11.2023, thereby removed the petitioner from service.

5. A perusal of records revealed that the petitioner failed to prove that he had worked for ten years continuously and he also did not prove that he had received salary. That apart, the concerned Officer certified that the petitioner was not paid any salary. Therefore, the petitioner failed to prove his service for a period of ten years with monthly salary.



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6. Therefore, the first respondent had rightly removed the petitioner from service and this Court finds no infirmity or illegality in the orders passed by the first and second respondents and this writ petition is devoid of merits and is liable to be dismissed.

7. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

18.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

1.The District Collector,
Namakkal District,
Namakkal.

2.The Commissioner,
Punchayat Union,
Sendamangalam,
Namakkal District.



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G.K.ILANTHIRAIYAN. J.

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