



W.P.No.21575 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.21575 of 2012

and

W.M.P.No.34493 of 2018

and

M.P.No.1 of 2012

C.Kuppan

...Petitioner

-Vs-

1.The Inspector of Panchayat cum District Collector,
Tiruvannamalai District.

2.The Block Development Officer,
Thurinjapuram Panchayat Union,
Thurinjapuram,
Tiruvannamalai District.

3.The President,
Karumarapatti Village Panchayat,
Thurinjapuram Panchayat Union,
Tiruvannamalai Taluk & District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari to call for the records of the 3rd respondent in proceedings Na.Ka.No.2/2012 dated 27.07.2012 and quash the same and pass such further orders.



WEB COPY



W.P.No.21575 of 2012

For Petitioner : Mr.D.Ravindranathan
For R1 : M/s.N.Senthil Selvi
Government Advocate
For R2 & R3 : Mr.P.S.Sivashanmuga Sundram

ORDER

This writ petition is filed for issuance of a Writ of Certiorari to quash the proceedings of the 3rd respondent in Na.Ka.No.2/2012 dated 27.07.2012.

2. The case of the petitioner is that he was appointed as Overhead Tank Operator in the year 2010 and his appointment was made as per Resolution No.44 dated 12.12.2010 and as per the proceedings dated 12.12.2010 of the Karumarapatti Village Panchayat. After the change of the President of the Thuringapuram Panchayat Union, a show cause notice dated 11.05.2012 was issued by the 3rd respondent to the petitioner, stating that his service was terminated on the ground that he was appointed contrary to G.O.Ms.No.119 dated 10.05.2010. The explanation given by the petitioner was not satisfactory. Hence, the 3rd respondent Panchayat Union passed the order in Na.Ka.No.2/2012 dated 27.07.2012 terminating the petitioner from



W.P.No.21575 of 2012

the post of Overhead Tank Operator. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. Today, 25.03.2024, when the matter was taken up for hearing, the petitioner viz., C.Kuppan, appeared in person before this Court and submitted that he is working even after his termination on 27.07.2012, but he does not have any proof to substantiate the same either by a salary receipt or any other documents to that effect and his appearance is dispensed with.

4. Learned counsel for the petitioner submitted that there is a vacancy for the post of Overhead Tank Operator in the Karumarapatti Village Panchayat, Thuringapuram Panchayat Union, Tiruvannamalai District.

5. A counter was filed on behalf of the 3rd respondent dated 26.09.2012.

6. Learned Government Advocate appearing for the 1st respondent on instructions submitted that as on date, the petitioner is not working since the Thuringapuram Panchayat Union is not in a position to pay the salary and he has been terminated as early as 27.07.2012. At the time of admission of the



W.P.No.21575 of 2012

writ petition, the interim stay for a period of three weeks was granted by this Court on 03.08.2012 in M.P.No.1 of 2012 in W.P.No.21575 of 2012 and the petitioner was terminated from service on 27.07.2012. The interim order was granted by this Court subsequent to the termination order dated 27.07.2012 and the petitioner did not receive any salary after his termination from the service. Hence, nothing survives in this writ petition for further adjudication.

7. In view of the above submission, the petitioner is directed to give a representation to the 1st respondent / The District Collector, Tiruvannamalai, and a copy of the same to the 3rd respondent / The President, Karumarapatti Village Panchayat, Thuringapuram Panchayat Union, Tiruvannamalai Taluk and District, within a period of two weeks from the date of receipt of a copy of the order and on receipt of the same, the 3rd respondent may consider it on merits in accordance with law and pass appropriate orders within a period of four weeks thereof. Since the petitioner was working from the year 2010 till the date of termination on 27.07.2012, the 3rd respondent shall take into consideration the age of the petitioner at the time of filing the writ petition, he was 26 years and as on date, he is 38 years.



W.P.No.21575 of 2012

In the result, the writ petition stands disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

25.03.2024

cda

Index : Yes/No

Speaking/Non Speaking order

To

- 1.The Inspector of Panchayat cum District Collector,
Tiruvannamalai District.
- 2.The Block Development Officer,
Thurinjapuram Panchayat Union,
Thurinjapuram,
Tiruvannamalai District.
- 3.The President,
Karumarapatti Village Panchayat,
Thurinjapuram Panchayat Union,
Tiruvannamalai Taluk & District.

J.SATHYA NARAYANA PRASAD, J.

cda



WEB COPY



W.P.No.21575 of 2012

W.P.No.21575 of 2012

25.03.2024