



W.P.No.21576 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.21576 of 2012

and

W.M.P.No.34492 of 2018

and

M.P.No.1 of 2012

G.Chinnathambi

...Petitioner

-Vs-

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

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

3.The President,
Karumarapatti Village Panchayat,
Thurinjapuram Panchayat Union,
Thiruvannamalai 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.



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For Petitioner : Mr.M.Dhandapani
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.32 dated 13.09.2010 and as per the proceedings dated 13.09.2010 of the Karumarapatti Village Panchayat. More than 160 Overhead Tank Operators were appointed during the period from 2006 to 2010 in various village panchayats of the Thurinjapuram Panchayat Union alone and they continue to be in employment.

3. Learned counsel for the petitioner submitted that after the change of the President of the Thurinjapuram Panchayat Union, a show cause notice dated 11.05.2012 was issued by the 3rd respondent to the petitioner, stating



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

4. Today, 25.03.2024, when the matter was taken up for hearing, the petitioner viz., G.Chinnathambi, 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.

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 Thurinjapuram 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



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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.21576 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.

Accordingly, this **writ petition stands dismissed as devoid of merits**. No costs. Consequently connected miscellaneous petitions are closed.

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cda

Index : Yes/No

Speaking/Non Speaking order

To



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J.SATHYA NARAYANA PRASAD, J.

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