



W.P.No.27987 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: **05.04.2024**

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.27987 of 2011
and M.P.No.01 of 2011

S.Panimalar

....Petitioner

Vs

1. The Inspector of Panchayat,
Cum District Collector,
Collectorate,
Villupuram,
Villupuram District.
2. The Commissioner of Panchayat,
Union (Rural Development),
Ulundurpet,
Villupuram District.
3. The President,
Pu.Konalvadi Panchayat Board,
Pu. Konalvadi Post,
Ulundurpet Taluk,
Villupuram District.
4. Mr.A.Muthiyan

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the Impugned Order passed by the 3rd respondent dated 22.11.2011 against the petitioner to hand over the charge to the 4th respondent herein as Secretary



W.P.No.27987 of 2011

in the Pu.Konalvadi Panchayat an quash the same as illegal.

WEB COPY

For Petitioner : Mr.J.Venkat Raman

for M/s.Agniselvaraju

For R1 to R3 : M/s.Tamilselvi

Additional Government Pleader

ORDER

The Writ Petition has been filed to call for the Impugned Order passed by the 3rd respondent dated 22.11.2011 against the petitioner to hand over the charge to the 4th respondent herein as Secretary in the Pu.Konalvadi Panchayat an quash the same as illegal.

2. When the matter is taken up today, the learned counsel for the petitioner sought time to file impleading petition to implead the legal representatives of the petitioner.

3. The learned Government Advocate submitted that one A.Muthaiyan/4th respondent was working as Panchayat Assistant in the 3rd respondent Panchayat. He was removed from service and petitioner was appointed in his vacant place. Subsequently, 4th respondent raised Industrial Dispute before the Labour Court, Cuddalore in ID.No.14 of 2011 against his dismissal from service. The Labour Judge, Cuddalore allowed



W.P.No.27987 of 2011

the petition and ordered reinstatement with continuity of service, backwages and other attendant benefits. On his reinstatement, petitioner was removed from service and that was communicated to the petitioner on 17.11.2011. Instead of challenging the proceedings dated 17.11.2011, petitioner had challenged the subsequent communication dated 22.11.2011 asking him to hand over the charge to the 4th respondent A.Muthaiyan.

4. Considering the fact that, petitioner was appointed only in the place of 4th respondent, who was terminated and that 4th respondent raised Industrial Dispute before the Labour Court, Cuddalore in I.D.No.14 of 2011 and that Labour Court Judge, Cuddalore allowed the petition ordering reinstatement with continuity of service and other attendant benefits, this Court is of the view that, this petition is liable to be dismissed on merits as well as on the ground of abatement.

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2024

Index :Yes/No
Internet:Yes/No



W.P.No.27987 of 2011

G.CHANDRASEKHARAN, J
Sma

To

1. The Inspector of Panchayat,
Cum District Collector,
Collectorate,
Villupuram,
Villupuram District.
2. The Commissioner of Panchayat,
Union (Rural Development),
Ulundurpet,
Villupuram District.
3. The President,
Pu.Konalvadi Panchayat Board,
Pu. Konalvadi Post,
Ulundurpet Taluk,
Villupuram District.

W.P.No.27987 of 2011

05.04.2024