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W.P.No.24021 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.24021 of 2012

P.U.Sambasivan

... Petitioner

Vs.

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Block Development Officer,
Patha Kuppam Village,
Kothakuppam Post,
Pallipattu Taluk,
Thiruvallur District.

3.The Panchayat President (Kothakuppam Panchayat),
Patha Kuppam Village,
Kothakuppam Post,
Pallipattu Taluk,
Thiruvallur District.

4.G.Palani

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Writ of Certiorarified Mandamus praying to call for the records relevant to the third respondent's letter dated 11.01.2012 in



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removing the petitioner from OHT Motor Pump Operator of Pathakuppam Village and quash the same as illegal, improper, unreasonable, arbitrary against the rule of law and natural justice and consequently direct the respondents 1 to 3 to continue the service of the petitioner as O.H.T. Motor Pump Operator of Pathakuppam Village in the place of fourth respondent and pay back all the service and monetary benefits to the petitioner.

For Petitioner : No Appearance

For Respondents 1 to 3 : Mr.T.Cheziyan,
Additional Government Pleader

For Respondent 4 : No Appearance

ORDER

This writ petition has been filed by the petitioner to call for the records relevant to the third respondent's letter dated 11.01.2012 in removing the petitioner from OHT Motor Pump Operator of Pathakuppam Village and quash the same as illegal, improper, unreasonable, arbitrary against the rule of law and natural justice and consequently direct the respondents 1 to 3 to continue the service of the petitioner as O.H.T. Motor Pump Operator of Pathakuppam Village in the place of fourth respondent and pay back all the service and monetary benefits to the petitioner.



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2. The case of the petitioner is that the petitioner was appointed as Overhead Tank Operator (OHT) on consolidated pay of Rs.980/- by the third respondent vide letter dated 17.08.2010 on the basis of the resolution No.17 of the Village Panchayat and he has also joined duty as OHT pump operator of Pathakuppam Village, Kothakuppam Panchayat on 01.09.2010. This being so, on the basis of the 6 th pay commission's recommendation, the petitioner's consolidated payment was increased from Rs.980/- to Rs.1510/- vide G.O.372 Finance (Allowance) Department dated 01.07.2010 and again his monthly consolidated payment was increased from Rs.1510/- to Rs.2000/- vide G.O.15 Rural Development and Panchayat Union (E5) Department, dated 25.02.2011.

3. Thereafter, without giving any notice and without holding any enquiry, the petitioner was removed from the said post by the third respondent vide order dated 11.01.2012 stating that his appointment was against G.O.No.119 Rural Development (E5) dated 10.05.2000 and any new appointment for OHT operator was banned by the said G.O. Therefore, the



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petitioner has sent a representation to the respondents 1 & 2 to take action against the third respondent and to conduct a proper enquiry for his removal from service, but no enquiry or action has been taken by the respondents. Moreover, the third respondent has appointed the fourth respondent in the place of the petitioner in the month of June 2012. Aggrieved over the said dismissal order dated 11.01.2012, the petitioner has come forward with the present writ petition.

4. Learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that since the petitioner has left the job, the third respondent has appointed the fourth respondent in the place of the petitioner. Thereafter, the petitioner was again appointed as Over Head Tank Operator on 20.01.2020 and he is working till the date in the office of the third respondent.

5. Heard the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.



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6. The facts of the case is not in dispute. Challenging the order of dismissal dated 11.01.2012, the petitioner has filed this writ petition. Since, the petitioner has been absorbed in the post of Over Head Tank Operator in the office of the third respondent, nothing survives in this writ petition for further adjudication.

7. In the result, this writ petition is closed. No costs.

30.01.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

- 1.The District Collector,
Tiruvallur District,
Tiruvallur.
- 2.The Block Development Officer,
Patha Kuppam Village,
Kothakuppam Post,

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Pallipattu Taluk,
Thiruvallur District.

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3.The Panchayat President (Kothakuppam Panchayat),
Patha Kuppam Village,
Kothakuppam Post,
Pallipattu Taluk,
Thiruvallur District.

J.SATHYA NARAYANA PRASAD,J.

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