



W.P.No.6655 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.6655 of 2011

R.Jaisankar

... Petitioner

Vs.

1.The Block Development Officer / Commissioner,
Kurinjipadi Panchayat Union,
Kurinjipadi, Kurinjipadi Taluk,
Cuddalore District.

2.The President,
Virupatchi Panchayat,
Kurinjipadi Taluk,
Cuddalore District.

3.Selvam

4.The Presiding Officer,
Labour Court,
Cuddalore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records and quash the proceedings of the fourth respondent in I.D.No.157 of 2002 dated 24.11.2010.



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For Petitioner : Mr.J.Arivalagan for
Mr.R.Gururaj
For Respondents : Mr.R.Kumaravel for R1
Mr. D.Suryanarayanan for R2
Mr.M.V.Raja for R3
R4-Court

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorari, to call for the records and quash the proceedings of the fourth respondent in I.D.No.157 of 2002 dated 24.11.2010.

2. Heard Mr.J.Arivalagan, learned counsel for the petitioner, Mr.R.Kumaravel, learned counsel for R1, Mr. D.Suryanarayanan, learned counsel for R2 and Mr.M.V.Raja, learned counsel for R3 and perused the materials available on record.

3. The case of the petitioner is that the petitioner was appointed as Tank Operator in the second respondent Panchayat. The third respondent worker has filed an industrial dispute in I.D.No.157 of 2002, by claiming reinstatement in the second respondent Panchayat. An order has been passed by the fourth respondent in the Industrial Dispute for



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reinstatement of the third respondent with continuity of service, however, without backwages. Now, the petitioner as a third party, has filed this Writ Petition stating that if the third respondent is reinstated, that would affect his own employment as Tank Operator in the second respondent Panchayat.

4. Per contra, the learned counsel for the first respondent submitted that the third respondent was appointed by the then President of the Virupatchi Panchayat and approval has been granted by the first respondent on 25.09.2001. In fact, the approval order would also say that the petitioner's appointment is not proper.

5. By way of reply, the learned counsel for the petitioner submitted that the petitioner has been appointed by the second respondent and his appointment is very much lawful and that has come into existence even prior to the award passed by the Labour Court on 24.11.2010.



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6. Though the appointment of the petitioner was not approved by the first respondent, it is claimed that it is sufficient if the President / second respondent alone had appointed the petitioner by way of passing resolution. But the resolution has to be sent to the appropriate authority for approval. In fact, in the order dated 25.09.2001, the resolution appointing the petitioner as Tank Operator has been rejected stating that the resolution is not in accordance with the Rules and that, his appointment is not proper. When the petitioner's appointment itself is not approved, he cannot challenge the award of the Labour Court passed in favour of the third respondent for reinstatement by claiming that it would affect his appointment. Since the petitioner's appointment was not approved, he has got no right to maintain this Writ Petition.

7. In view of the above stated reasons, this Writ Petition is dismissed. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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To

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R.N.MANJULA, J.

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