



W.P.No.11048 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:21.02.2024

Coram:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.11048 of 2018

and

W.M.P.No.12952 of 2018

P.Venkatachalapathi

.. Petitioner

/versus/

The Collector,
Perambalur District,
Perambalur.

.. Respondent

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 26.03.2018 requesting for posting in any of the vacancies in the post of Panchayat Secretary in Perambalur District.

For Petitioner :Mr.P.Mohanraj

For Respondent :Mr.M.Alagu Goutham
Government Advocate



W.P.No.11048 of 2018

WEB COPY

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 26.03.2018 requesting for posting in any of the vacancies in the post of Panchayat Secretary in Perambalur District.

2. No counter-affidavit has been filed on behalf of the respondent.

3. The case of the petitioner is that he was appointed as Panchayat Secretary in Karianur Panchayat on 05.10.2009, by the Karianur Panchayat, as per Resolution No.23, dated 05.10.2009. However, the Assistant Director (Panchayat), Perambalur, orally instructed the Panchayat President to relieve the petitioner from service because one Mr.Shankar, Panchayat Secretary, who had been transferred from Agaram Seegur to Karianur and who had not joined duty, since he had gone abroad, returned home and demanded posting, in order to accommodate him, the petitioner was orally stopped from duty, after



W.P.No.11048 of 2018

three months of joining the duty.

WEB COPY

4. The learned counsel appearing for the petitioner contends that the appointment of the petitioner as Panchayat Secretary was made in accordance with the Rules by the competent authority, but he was prevented from joining his duty. Thereafter, the petitioner has been making several representations requesting for posting. In the year 2011, the Assistant Director (Panchayat/Audit), Perambalur, sent a reply dated 03.06.2011 stating that there was no vacancy for the post of Panchayat Secretary in Karianur Panchayat and the request of the petitioner would be considered as and when vacancies occur.

5. The learned counsel appearing for the petitioner also submits that as of now, there are several vacancies for the post of Panchayat Secretary in Perambalur District and Notification has been issued in newspapers inviting applications from eligible candidates for appointment to the post. Thereafter, the petitioner submitted his representation dated 26.03.2018 to the District Collector, Perambalur, requesting for posting in any of the Panchayats, but he did not receive any reply sofar. Aggrieved by the inaction of the respondent in



W.P.No.11048 of 2018

considering the representation of the petitioner, the petitioner has constrained to file this Writ Petition.

6. The learned Government Advocate appearing for the respondent submits that the representation dated 26.03.2018 of the petitioner was considered and disposed of on 28.03.2018 by the respondent and reply was sent to the petitioner by ordinary post.

7. But, he could not produce any acceptable evidence to prove that the said communication of disposing of the representation of the petitioner is communicated to the petitioner. Under these circumstances, this Court is unable to accept the contention of the learned Government Advocate appearing for the respondent. Accordingly, in our considered view, the respondent did not dispose of the representation submitted by the petitioner on 26.03.2018 and it is still pending with the respondent.

8. Accordingly, in the interest of justice, it is appropriate to dispose of the Writ Petition, without going into the facts of the case at present with a direction to the respondent to dispose of the same within the time



W.P.No.11048 of 2018

stipulated by this Court.

9. Accordingly, this Writ Petition is disposed of with a direction to the respondent to consider and pass orders on the representation of the petitioner dated 26.03.2018, by following due process of law, within a period of three weeks from the date of receipt of a copy of the order and communicate the same to the petitioner through proper channel or by registered post, within a period of one week thereafter.

10. While disposing of the representation of the petitioner, the respondent shall call for the records from the Panchayat Union of Karianur with respect to the appointment of the petitioner as Panchayat Secretary on 05.10.2009.

11. Consequently, connected Miscellaneous Petition is closed.

12. There shall be no order as to costs.

21.02.2024

Index:yes/no



W.P.No.11048 of 2018

Speaking order/non speaking order
ari

To:

The Collector,
Perambalur District,
Perambalur.



WEB COPY



W.P.No.11048 of 2018

BATTU DEVANAND,J.

ari

Writ Petition No.11048 of 2018
and
W.M.P.No.12952 of 2018



WEB COPY



W.P.No.11048 of 2018

21.02.2024