



W.P.No.8464 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

Writ Petition No.8464 of 2024

C.Thirunavukkarasu,
S/o.K.Chinnaiah

... Petitioner

Vs.

1. The Secretary,
Rural Development and Panchayat Raj Department,
Government of Tamil Nadu, Secretariat,
Fort St.George, Chennai – 600 009.
2. The District Collector,
Chengalpattu District,
Chengalpattu.
3. The Director,
Rural Development and Panchayat,
Directorate of Rural Development and Panchayat,
Chennai – 600 015.
4. The Block Development Officer,
St.Thomas Mount Panchayat Union,
Chitlapakkam, Chennai – 600 064.
5. The President,
Medavakkam First Grade Panchayat,
Mambakkam, Chennai – 600 100.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 2nd respondent to process the resolution passed by the 5th respondent vide letter dated 08.01.2022 for appointment of Panchayat Secretary and may issue necessary directions or orders for the notional effect and also monetary benefits.

For Petitioner : Mr.C.Harish
for Mr.N.Srinivasulu

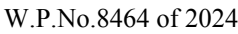
For Respondents : Mr.P.Ganesan
Government Advocate [R1 to R3]

Mr.C.Jayaprakash
Government Advocate [R4 & R5]

ORDER

This writ petition is filed for a writ of mandamus directing the 2nd respondent to process the resolution passed by the 5th respondent vide letter dated 08.01.2022 for appointment of Panchayat Secretary and issue necessary directions or orders for the notional effect and also for monetary benefits.

2. It can be seen that the case of the petitioner is that, he was engaged as Bill Collector on daily wage basis and he is continuing as such till date. He has been continued in employment presently as a sanitary worker. It is seen that the petitioner possess the qualification to



be appointed both as a Computer Operator as well as Panchayat Secretary.

3. The learned counsel for the petitioner submits that as a matter of fact, he has to perform the task of a Computer Operator. Therefore, he made representation to the respondents.

4. It is seen from the typed set of papers that the petitioner had already approached this Court for the very same relief to consider him for appointment as a Computer Operator or Panchayat Secretary in W.P.No.1053 of 2018, by judgment dated 04.02.2019, this Court has already held that since the said post or posts to be filled up by way of direct recruitment, the petitioner cannot claim appointment as a grievance. As and when the respondents issue notification calling for application for filling up of the said post, the petitioner will be entitled to participate in the selection. The resolution passed by the fifth respondent can, at best, one of the credentials at the time of selection. However, the petitioner cannot claim by way of mandamus to implement the said resolution and both the posts are to be filled up by way of direct recruitment. The same have to be filled up only by calling for



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applications and the petitioner can participate in the said process.

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5. In view thereof, the prayer sought for by the petitioner cannot be countenanced. However, the learned counsel for the petitioner submits that the petitioner is performing the work of the Computer Operator. In this regard, the fourth respondent is directed to verify whether the petitioner is actually engaged in the work of a Computer Operator and if it is so, following the dictum of the Hon'ble Supreme Court on the principles of 'Equal Pay for Equal Work' in the case of ***State of Punjab and Ors. Vs. Jagjit Singh and Ors.*** reported in ***2017 (1) SCC 148***, the basic pay in respect of the said post be paid to the petitioner. The petitioner will be entitled to the benefit only prospectively.

Accordingly, this writ petition stands disposed of. No costs.

01.04.2024

Index: Yes
Speaking Order: Yes
Neutral Citation: No
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- To
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D.BHARATHA CHAKRAVARTHY, J.

mp

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