



Writ Petition No.10617 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.10617 of 2018
& WMP No.12572 of 2018

J.Vanjinathan

..Petitioner

vs.

1.The Director of Rural Development and Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai-600 015

2.The District Collector,
Cuddalore District,
Cuddalore-607 101

3.The Block Development Officer(Village Panchayat),
Panchayat Union,
Nallur,
Cuddalore District.

4.The President,
Village Panchayat,
Koodalur Village,
Nallur Block,
Tittagudi Taluk,
Cuddalore District

... Respondents



Writ Petition No.10617 of 2018

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.PC1/6131/2011 dated 26.10.2017, quash the same and direct the respondents to permit the petitioner to work as Panchayat Secretary in Koodalur Panchayat with all attendant benefits.

For Petitioners : Mr.P.Mohanraj

For Respondents : Mr.L.S.M.Hasan Fizal

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.PC1/6131/2011 dated 26.10.2017, quash the same and direct the respondents to permit the petitioner to work as Panchayat Secretary in Koodalur Panchayat with all attendant benefits.

2.The case of the petitioner is that he was appointed as Panchayat Secretary in Koodalur Village Panchayat on 15.07.2011. The Village



Writ Petition No.10617 of 2018

Panchayat passed a resolution no.48 dated 14.07.2011 to appoint the petitioner and he joined duty on 15.07.2011. The District Collector sent a communication dated 27.07.2011 to the Block Development Officer(Village Panchayat), Nallur instructing him to examine whether the vacancy was notified by proper advertisement and also the appointment was made through the appointment Committee and submit a report. The second respondent submitted a report to the District Collector on 13.09.2011 stating that the vacancy was notified in the notice Board of the Panchayat Union and the appointment Committee examined the applications and appointed the petitioner. In the month of October 2011, a new Panchayat President was elected for Koodalur Panchayat. He did not allow the petitioner to continue as Panchayat Secretary since he was appointed by the previous President. Therefore, since he had no other option, the petitioner approached this Court by filing W.P.No.24844 of 2011. The said Writ Petition was disposed of by its order dated 10.12.2011 with a direction to the 5th respondent therein to permit the petitioner to continue in service in pursuance of the appointment order issued to him, forthwith. Thereafter, the petitioner was not permitted as Panchayat Secretary.



3.The second respondent has issued an order dated 26.10.2017, in response to the representation submitted by the petitioner stating that the petitioner was appointed by the Panchayat President and that the appointment was cancelled by the Panchayat President subsequently on the ground that it was made contrary to the Rules and the said cancellation of appointment is confirmed by the District Collector/second respondent herein. The said order is impugned in the present Writ Petition.

4. The learned counsel for the petitioner submits that the order of cancellation of the appointment of the petitioner dated 12.12.2011 was not communicated to the petitioner. Subsequently, on coming to know about the cancellation order dated 12.12.2011, the petitioner has come forward with the present Writ Petition.

5. For proper adjudication of this case, this Court has directed the respondents to place the original records pertaining to the cancellation order dated 12.12.2011 before this Court to verify whether the said order was served to the petitioner or not.



6. The Additional Government Pleader appearing for the respondents

basing on the records, submits that in the records there was no acknowledgment with regard to the service of the cancellation order dated 12.12.2011 to the petitioner, but in the representation submitted by the petitioner on 16.12.2011, the petitioner himself mentioned about the order dated 12.12.2011 and he requested to re-consider the said cancellation order in view of the fact that no opportunity was provided to him before passing the said order. In view of the same, learned Additional Government Pleader would submit that the petitioner had received the cancellation order dated 12.12.2011 and as such, he has to challenge the same in an appropriate forum, if he is having any grievance. He further submitted that the order impugned in the present Writ Petition is only a consequential order issued by the second respondent. Hence, he would urge this Court to dismiss the Writ Petition.

7. Having heard the submissions of the learned counsel on either side and upon careful perusal of the material available on record, it appears that the appointment of the petitioner as Panchayat Secretary was cancelled by the 4th respondent on 12.12.2011 and the same was communicated to the



petitioner and thereafter, the petitioner submitted a representation dated 16.12.2011 to the second respondent for reconsideration of the cancellation order. The said representation was considered by the second respondent and passed the impugned order.

8. In view of the above factual position, it is clear that the order impugned in this Writ Petition is a consequential proceedings to the order dated 12.12.2011 passed by the 4th respondent. Without challenging the original order dated 12.12.2011, the petitioner is not supposed to challenge the consequential order passed by the second respondent on 26.10.2017.

9. Accordingly, this Court is of the considered view that the petitioner is not entitled for any relief sought for in the present Writ Petition. Accordingly, this Writ Petition is liable to be dismissed.

10. Accordingly, for the reasons stated above, this Writ Petition is dismissed.

No costs.

Consequently, connected miscellaneous petition is closed.



WEB COPY



Writ Petition No.10617 of 2018

11.However, it is open to the petitioner to approach any appropriate forum, if he is aggrieved by the original order dated 12.12.2011 issued by the 4th respondent.

04.11.2024

Index : Yes/No
Speaking order: Yes/No
dn

To

1.The Director of Rural Development and Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai-600 015

2.The District Collector,
Cuddalore District,
Cuddalore-607 101

3.The Block Development Officer(Village Panchayat),
Panchayat Union,
Nallur,
Cuddalore District.

4.The President,
Village Panchayat,
Koodalur Village,
Nallur Block,



Tittagudi Taluk,
Cuddalore District

WEB COPY



Writ Petition No.10617 of 2018

BATTU DEVANAND, J

dn

Writ Petition No.10617 of 2018

04.11.2024