



W.P.(MD) No.682 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.682 of 2021

and

W.M.P.(MD)No.567 of 2021

K.Karuppaiah

... Petitioner

Vs.

1.The District Collector
Madurai District,
Madurai.

2. The Assistant Director of Panchayat,
O/o. Assistant Director of Panchayat,
Collectorate, Madurai - 20.

3. The Block Development Officer (Panchayat),
Panchayat Union, Madurai East,
Madurai.

4.The President
Meenakshipuram Panchayat, Meenakshipuram,
Mangalam Post, Madurai.

5. A.Neelamegam

... Respondents

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 pertaining to t he impugned order dated 03-10-2020 passed by the 4th Respondent and quash the same and consequently direct the respondents to



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reinstate as over tank operator at Meenakshipuram panchayat Board Madurai East Panchayat Union Madurai East Madurai District.

For Petitioner : Ms.M.Nila,
for Mr.R.Manoharan

For Respondents : Mr.N.Ga.Nataraj,
Government Advocate for R1 & 2

: Mr.A.Muthukaruppan for R3 & 4

: Mr.J.Anandakumar for R5

ORDER

This Writ Petition has been filed questioning the order dated 03.10.2020, issued by the respondent No.4 terminating the services of the petitioner as over head tank operator. It is the contention of the learned counsel for the petitioner that the impugned order came to be issued without following any due process of law and without due notice in an arbitrary manner. It is also contended that the petitioner has been working for 12 years and to the satisfaction of the respondents, but, the services of the petitioner was terminated by the respondents on the ground that this Court in W.P.(MD) No.6730 of 2009, directed reinstatement of the respondent No.5 in the post of over head tank operator, in which, the petitioner was working.



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2. From the perusal of the materials available on record and as contended by the respondent No.5, it is noticed that the respondent No.5 was originally working in the post of over head tank operator and on certain allegations, he was placed under suspension on 18.02.2014, consequently, the petitioner herein was appointed in the said vacancy that arose because of the suspension, the respondent No.5 from service. Thus, the appointment of the petitioner in the post of over head tank operator is in a vacancy that arose due to the suspension of the respondent No.5 herein. The respondent No.5 herein, having been suspended, approached this Court by filing W.P.(MD)No.6730 of 2009 and this Court by an order dated 18.02.2014, directed the fourth respondent to reinstate the respondent No.5 into the post of over head tank operator. Consequently, the respondent No.4 has no option except to oust the petitioner from his service as over head tank operator, in which, the petitioner herein has been working during the *interregnum* period. Thus, the very appointment of the petitioner herein in the post of over head tank operator itself is in a temporary vacancy, but, not a permanent vacancy. But, according to the learned counsel for the petitioner, the petitioner was never



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informed about the nature of the vacancy in which he was appointed. But, that may not give any benefit or right to the petitioner herein as the said post was substantially held by the respondent No.5 herein and he will have a lien over during the period of suspension. In the said circumstances, though the impugned order is issued without due process of law and violation of the interest of justice, this Court is not inclined to interfere with the order of the trial Court.

3. Be that as it may, the learned counsel for the respondent No.1 on instructions submitted that there is yet another post of over head tank operator in respect of a small tank operator existing under the control of the respondent No.4 and that the petitioner herein can be accommodated in the said post and the respondent No.4, is very much willing to accommodate the petitioner herein in the said post.

4. In the light of the above, this Court while refusing to interfere with the impugned order, permit the petitioner to submit an appropriate application to the respondent No.4 for accommodating him in another post of



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over head tank operator available, under the control of the respondent No.4 within a period of four weeks from the date of receipt of copy of this order and on submission of said representation, the respondent No.4 shall pass appropriate orders, in the light of the submission made by the respondent No. 4, within a further period of six months thereafter.

5. This Writ Petition is accordingly disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes
LS

28.02.2024

To

1.The District Collector
Madurai District,
Madurai.



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MUMMINENI SUDHEER KUMAR, J.

LS

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