



W.A.(MD)No.1111 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.A.(MD)No.1111 of 2024

and

C.M.P.(MD)No.8440 of 2024

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Personal Assistant to District Collector
(Development),
Office of the Collectorate Campus,
Sivagangai District.

3.The Block Development Officer,
Singampuneri, Sivagangai District.

... Appellants

-Vs-

P.Radha

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 09.10.2023 made in W.P.(MD)No.17988 of 2023 on the file of this Court.

For Appellants : Mr.S.Shaji Bino,
Special Government Pleader



W.A.(MD)No.1111 of 2024

For Respondent : Mr.H.Mohammed Imran,
for M/s.Ajmal Associates

JUDGMENT

[Judgment of the Court was delivered by *R.SURESH KUMAR, J.*]

This Writ Appeal has been directed against the order dated 09.10.2023 made in W.P.(MD)No.17988 of 2023.

2.The respondent was appointed as Panchayat Assistant in the year 2001 by the appellant Department and she had been working for continuously 23 years. Only on 11.01.2023, the show cause notice followed by termination proceedings on 15.05.2023 had been issued that the respondent, at the time of appointment in the year 2001, did not have the qualification of S.S.L.C., which was the qualification prescribed by the Government in G.O.(Ms)No.230, Rural Development (E5) Department, dated 15.10.1996.

3.In this context, it is to be noted that though at the time of initial appointment, she did not pass S.S.L.C., subsequently, in the year 2010, she passed the examination. Neither at the time of appointment nor even at the time of acquiring the qualification in the year 2010, these facts had not been noticed.



W.A.(MD)No.1111 of 2024

Therefore, there is every justification on the part of the respondent to claim equity.

The reason being that for the past 23 years, she was permitted to work.

4.Only at this juncture, the respondent since suffered with the said order at the hands of the appellant Department, she had approached the Writ Court by filing the said Writ Petition, seeking to quashment of those order.

5.The learned Single Judge, having considered the issue and taking note of the judgments cited by the learned counsel for both sides, has come to an ultimate conclusion that insofar as the long service rendered by the respondent for more than two decades is concerned, that should be taken into account and equity also is in her favour for the reason that since she has been working for 22 years or 23 years, at the threshold when she was 56 years and only four years are left, she cannot be sent out with empty hands, as there would be a family depending upon her.

6.This approach of the learned Single Judge cannot be found fault with, in our considered view for the reason that for more than two decades, the respondent was allowed to work, she had also diligently discharged her duties for more than two decades and no complaint or disciplinary action seems to have



W.A.(MD)No.1111 of 2024

been initiated against her. When that being so, her unblemished service for the past 22 + years shall be taken into account. That apart, in the year 2010 itself, she is qualified and she fulfilled the educational qualifications and thereafter, she had worked for atleast 12 years. Therefore, at this length of time, ie., before her superannuation, this kind of drastic action of sending her with empty hands could not have been taken.

7.In that view of the matter, the approach and conclusion reached by the learned Single Judge through the order impugned cannot be said to be an infirmity or error. Therefore, by approving the approach of the learned Single Judge and sustaining the order impugned, we are inclined to dismiss this Writ Appeal. Accordingly, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.K., J.] & [G.A.M., J.]
08.07.2024

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

Yuva



WEB COPY



W.A.(MD)No.1111 of 2024



WEB COPY



W.A.(MD)No.1111 of 2024

R.SURESH KUMAR, J.

AND

G.ARUL MURUGAN, J.

Yuva

W.A.(MD)No.1111 of 2024

08.07.2024