



W.P.(MD)No.14470 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14470 of 2024

M.Kattidurai

... Petitioner

Vs.

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Personal Assistant to
the District Collector (Development),
Collectorate,
Tenkasi District,
Tenkasi.

3. The Block Development Officer (V.P),
Vasudevanallur Panchayat Union,
Tenkasi District.

4. The Block Development Officer(V.P),
Sankarankovil Panchayat Union,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the 1st and 2nd



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respondents herein to allow the petitioner to join duty as Panchayat Secretary in any one of the vacancies of the 3rd and 4th respondent Panchayat and thereby direct the respondent to pay salary to the petitioner from January 2024 to June 2024 based on the petitioner's representation dated 06.04.2024 within the time limit.

For Petitioners : Mr.A.S.Vaigunth

For Respondents : Mr.J.Ashok
Government Advocate

ORDER

Heard Mr.A.S.Vaigunth, learned counsel appearing for the petitioners and Mr.J.Ashok, learned Government Advocate for the respondents.

2. The petitioner has filed this Writ Petition seeking Writ of Mandamus to direct the 1st and 2nd respondents herein to allow the petitioner to join duty as Panchayat Secretary in any one of the vacancies of the 3rd and 4th respondent Panchayat and thereby direct the respondents to pay salary to the petitioner from January 2024 to June



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2024 based on the petitioner's representation dated 06.04.2024 within the specified time.

3. The learned counsel for the petitioner submitted that vide order dated 19.02.2024, the petitioner was placed as Secretary in Kuvalaikanni Panchayat. However, the petitioner was not allowed to join in Kuvaliakanni Panchayat and thereafter, he has sent a representation to the fourth respondent stating that he was not allowed to join in Kuvalaikanni Panchayat. Hence, an another order was passed on 04.03.2024 and the petitioner was placed to Veeriruppu Panchayat. But the petitioner was not allowed to join in Veeriruppu Panchayat also.

4. When the petitioner was working at Malayadikuruchi, he was in long absence. In view of his long absence, the post at Malayadikuruchi has been filled up by one Thirumalaikumar. Thereafter, the petitioner was posted to Kuavalaikanni Panchayat, where the petitioner was not allowed to join. On his representation, he has been transferred to Veeriruppu Panchayat. The petitioner was not able to join at Veeriruppu Panchayat



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also as the establishment doubted his commitment in performing his functions. The petitioner seems to be in the habit of being absent out of duty for months. It cannot be the reason for not allowing him to join when he came to join pursuant to the orders of transfer issued by the fourth respondent, who is not deprived of his power to initiate disciplinary action against the petitioner if he does not follow his appointment as Panchayat Secretary and lavishly remains out of duty.

5. However, when the matter is taken up for hearing today, Mr.J.Ashok, learned Government Advocate, on instructions, submitted that the petitioner has been allowed to joint at Veeriruppu Panchayat. So, the relief sought by the petitioner appears to have granted.

6. So far as the petitioner's other prayer to consider the period between January 2024 to June 2024 as duty cannot be decided unless an order has been passed in this regard by the respondents by stating how those period should be treated and for what reasons. Therefore, the respondents shall consider the request of the petitioner to regularise his



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service between the period from January 2024 to June 2024 and pass appropriate orders on its own merits.

7. With the above observation, this Writ Petition is **disposed of**.

No Costs.

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NCC: Yes/No
Index : Yes/No
PJL/RMK

To

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Tenkasi District, Tenkasi.

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R.N.MANJULA, J.

PJL/RMK

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