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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14791 of 2024

M.Karuppaiah ... Petitioner

vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer,
Aruppukottai Block,
Virudhunagar District.

3.The President
Palavantham Village Panchayat,
Aruppukottai Block,
Virudhunagar District ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to permit the petitioner to continue as Panchayat Secretary, Palavanatham Village Panchayat, Aruppukkottai Union, Virudhunagar District and provide monthly salary within the time period stipulated by this Court.

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For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 and R2

Mr.Vairam Santhosh
Additional Government Pleader for R3

O R D E R

Heard Mr.T.Aswin Raja Simman, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondents 1 and 2 and Mr.Vairam Santhosh, learned Additional Government Pleader for the third respondent.

2. The petitioner has filed this petition seeking to issue a Writ of Mandamus directing the respondents to permit him to continue as Panchayat Secretary, Palavanatham Village Panchayat, Aruppukkottai Union, Virudhunagar District and provide monthly salary within a stipulated time.

3. The petitioner claims that he has been appointed as a Panchayat Secretary, Palavanatham Village Panchayat and he continues to

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hold the same post till now. By virtue of the Government Order in G.O.Ms.No.72, Rural Development and Panchayat Raj (E5) Department, dated 09.07.2013, service conditions of the Village Panchayat Secretaries were framed. In a subsequent notification dated 09.11.2019, applications were called for to fill up the vacancies in the post of Panchayat Secretaries in the Villages through direct recruitment. The notification includes the post of Panchayat Secretary of Palavanatham Village as well. The petitioner has challenged the same by way of filing a writ petition and the same is pending.

4. It is learnt that the Government Order in G.O.Ms.No.72, Rural Development and Panchayat Raj (E5) Department, dated 09.07.2013 has also been challenged by way of filing various writ petitions and the same are also pending.

5. Now, the grievance of the petitioner is that the newly elected President of Palavanatham Village Panchayat did not permit the petitioner to continue as a Panchayat Secretary and so, he is not able to discharge

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his duties. In view of the hurdles faced by the petitioner due to the newly elected President of the Palavanatham Village Panchayat, he has given a representation to the respondents 1 and 2 and requested them to take suitable action and allow him to execute his duties. Since, the representation has not been considered so far, the petitioner has filed this writ petition invoking writ jurisdiction.

6. Unless the petitioner's representation is considered and disposed, there will be a dilemma as to whether the petitioner can still continue as Panchayat Secretary or not. When a writ petition is pending in respect of the notification dated 09.11.2019, which invited applications to the post of Panchayat Secretaries in Villages, the petitioner could have been allowed to continue as a Panchayat Secretary in pursuant to his earlier appointment.

7. Since the petitioner's representation is not considered till date, I feel it is appropriate to issue suitable directions.

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8. In view of the above observations, the writ petition is **disposed of** and the respondents 1 to 3 are directed to permit the petitioner to continue as a Panchayat Secretary, Palavanatham Village Panchayat, Aruppukkottai Union, Virudhunagar District and such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

08.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer,
Aruppukottai Block,
Virudhunagar District.

3.The President
Palavantham Village Panchayat,
Aruppukottai Block,
Virudhunagar District

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R.N.MANJULA, J.

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