



W.P.(MD)No.19466 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.19466 of 2021
and
W.M.P.(MD)No.16184 of 2021

S.Muthupandi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government,
Home (Courts VI) Department,
Chief Secretariat,
Chennai – 600 009.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.S.Subbarayan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order G.O.(D).No.962, Home (Courts VIA) Department, dated 04.09.2021, passed by the 1st respondent as not valid and void under law and thereby, quash the same as illegal and consequently directing the first and second respondents to allow the petitioner to continue petitioner services as pleading for doing Government works in the District



W.P.(MD)No.19466 of 2021

Munsif cum Judicial Magistrate Court, Thiruppuvanam.

For Petitioner : Mr.S.Muthupandi, Party in person
For Respondents 1 & 2 : Mr.C.Satheesh
Government Advocate
For 3rd Respondent : Mr.S.Louis

ORDER

This Writ Petition has been filed to quash the impugned order G.O. (D).No.962, Home (Courts VIA) Department, dated 04.09.2021, passed by the 1st respondent as not valid and void under law and to direct the respondents 1 and 2 to allow the petitioner to continue petitioner services as pleading for doing Government works in the District Munsif cum Judicial Magistrate Court, Thiruppuvanam.

2.The petitioner was appointed as a Law Officer in the District Munisf cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District, vide G.O. (D).No.964, Home (Courts VI A) Department, dated 24.08.2020, for a period of three years from the date of taking charge as Government Pleader. Following which, he took charge as Pleader in the said Court on 23.09.2020 and his tenure subsisted till 20.09.2023. Contending that the petitioner came to be removed without putting him on notice from the post of Pleader, even before the expiry of the Full term of three years till 20.09.2023, the first respondent vide G.O. (D).No.962, Home (Courts VI A) Department, dated 04.09.2021, appointed the



W.P.(MD)No.19466 of 2021

fourth respondent instead of the petitioner. Challenging the said G.O., this Writ Petition came to be filed.

3. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 and 2 has pointed out that the petitioner's tenure of service on the basis of G.O.(D).No.964, Home (Courts VI A) Department, dated 24.08.2020, by which he came to be appointed, has already been completed with effect from 20.09.2023 and hence, nothing survives and pressed for dismissal of the Writ Petition.

4. The petitioner who appeared before me as party in person submitted that, he was deprived not only of the post, in which he served, but also was not paid with the retainer fee for the duties discharged by him as Pleader before the District Munsif cum Judicial Magistrate Court, Thiruppuvanam, from 23.09.2020 till 03.09.2021.

5. Heard the petitioner (party in person), the learned Government Advocate for the respondents 1 and 2, the learned counsel for the 3rd respondent and carefully perused the materials available on record.



W.P.(MD)No.19466 of 2021

6.In view of the same, giving liberty to the petitioner to file separate a Writ Petition in this regard, claiming his fees in terms of G.O.(Ms).No.36, Home (Courts VIA) Department, dated 12.01.2011, the Writ Petition is dismissed as infructuous. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.07.2024

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

To

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home (Courts VI) Department,
Chief Secretariat,
Chennai – 600 009.

2.The District Collector,
Sivagangai District,
Sivagangai.



WEB COPY



W.P.(MD)No.19466 of 2021

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.19466 of 2021

24.07.2024