



W.P.(MD).No.28162 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.03.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.28162 of 2023**

Pajeerabanu

... Petitioner

Vs.

1.The Block Development Officer,  
Thiruparankundram Panchayat Union  
Office,  
Thirunagar,  
Madurai.

2.The Deputy Block Development  
Officer,  
Thiruparankundram Panchayat Union  
Office,  
Thirunagar,  
Madurai.

3.The Panchayat Secretary,  
Keelamathur Panchayat Office,  
Thiruparankundram Panchayat Union,  
Madurai-625 234.

4.P.Karthikeyan, (Panchayat Secretary)  
In-Personal capacity,  
H/o.Geetha,



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Keelamathur Panchayat Office,  
Thiruparankundram Panchayat Union,  
Madurai-625 234.

5.Geetha,  
W/o.P.Karthikeyan,  
Keelamathur Panchayat Office,  
Thiruparankundram Panchayat Union,  
Madurai-625 234.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to take disciplinary action against the 3<sup>rd</sup> respondent on the base of the petitioner's representation dated 20.10.2023, within the stipulated time framed by this Court.

For Petitioner : Mr.K.Gokul

For R-1 : Mr.S.Shaji Bino,  
Special Government Pleader

For R-2 to R-5 : No appearance

### **ORDER**

The present writ petition has been filed seeking direction to the respondents 1 and 2 to take disciplinary action against the 3<sup>rd</sup> respondent on the basis of the petitioner's representation dated 20.10.2023.



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2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner is a ward member of the Keelamathur Village Panchayat. The 3<sup>rd</sup> respondent is working as a Panchayat Secretary for the past 15 years in the same Panchayat. Alleging that the 3<sup>rd</sup> respondent has been irregular in attending his Panchayat office and further alleging that the 5<sup>th</sup> respondent who is the wife of the 3<sup>rd</sup> respondent is indulging in the affairs of the Panchayat and fully carrying out the works of the Panchayat on behalf of the 3<sup>rd</sup> respondent, the petitioner has filed this Writ Petition seeking to direct the respondents 1 and 2 to take disciplinary action against the 3<sup>rd</sup> respondent on the basis of his representation dated 20.10.2023.

3. The learned Counsel appearing for the petitioner submitted that whenever there is a general body meeting ( Grama Sabha), the 5<sup>th</sup> respondent will appear and she only records all the resolution and read the same in front of the village people. Further she dominates the entire affairs of the administration of the Panchayat and had declared that whatever has to be done in the Panchayat could be done only through her and not to the 3<sup>rd</sup> respondent and has



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categorically directed all the persons only to approach her for the management of the affairs of the Panchayat and not the 3<sup>rd</sup> respondent. In view of the same, the entire administration of the Keelamathur village Panchayat has become paralysed and pressed for allowing the Writ Petition.

4. The 1<sup>st</sup> respondent has filed a counter affidavit and the learned Special Government Pleader submitted that though the 5<sup>th</sup> respondent is the wife of the 4<sup>th</sup> respondent Panchayat Secretary, the 5<sup>th</sup> respondent was appointed as Computer Operator in the office of the 3<sup>rd</sup> respondent Panchayat in a temporary post sanctioned, as per the proceedings of the Assistant Director of Panchayat, Madurai dated 15.09.2023. That apart, he further submitted that the 3<sup>rd</sup> respondent Panchayat placed the subject of appointment of the 5<sup>th</sup> respondent for passing resolution by the 3<sup>rd</sup> respondent Panchayat and accordingly, the subject was placed before the Counsel of the 3<sup>rd</sup> respondent Panchayat and only after duly resolving in the 3<sup>rd</sup> respondent Panchayat unanimously as passed by the Counsel members in resolution No.179 dated 22.07.2023, the president of the 3<sup>rd</sup> respondent Panchayat who is the executive authority of the 3<sup>rd</sup> respondent Panchayat in terms of the provisions of the Tamil Nadu Panchayat



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Act, 1994 was pleased to appoint the 5<sup>th</sup> respondent in the temporary sanctioned post, as per the sanction granted by the Assistant Director of Panchayat, Madurai, by an order dated 07.09.2023.

5. He further submitted that the President of the 3<sup>rd</sup> respondent Panchayat verified the attendance register of the 3<sup>rd</sup> respondent Panchayat from 2021 to 2024 in specific related to the 4<sup>th</sup> respondent till date and had issued a letter to the 1<sup>st</sup> respondent dated 04.01.2024 in which he has stated categorically that the 4<sup>th</sup> respondent is discharging effectively his official duty as the Panchayat Secretary of the 3<sup>rd</sup> respondent Panchayat. The President of the 3<sup>rd</sup> respondent Panchayat has further stated that the 5<sup>th</sup> respondent never interfered into the duties vested with the 3<sup>rd</sup> respondent. On that basis, the learned Special Government Pleader pressed for dismissal of the writ petition.

6. Heard, the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the 1<sup>st</sup> respondent. Carefully perused the materials available on record.



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7. The Hon'ble Supreme Court of India, in the case of Ranjith Prasad .Vs. Union of India (UOI) and Ors., reported in AIR 2000 Supreme Court 3469 has dealt with a similar case and the relevant portion of which is extracted as follows:

*“9. But a mere busy-body who has no interest cannot invoke the jurisdiction of the Court. In respect of departmental proceedings which are initiated or sought to be initiated by the Government against its employees, a person who is not even remotely connected with those proceedings cannot challenge any aspect of the departmental proceedings or action by filing a Writ Petition in the High Court or in this Court. Disciplinary action against an employee is taken by the Government for various reasons principally for “misconduct” on the part of the employee. This action is taken after a “domestic” enquiry in which the employee is provided an opportunity of hearing as required by the constitutional mandate. It is essentially a matter between the employer and the employee, and a stranger, much less a practising advocate, cannot be said to have any interest in those proceedings. Public interest of general importance is not involved in disciplinary proceedings. In fact, if such petitions are entertained at the instance of persons who are not connected with those proceedings, it would amount to an abuse of the process of Court.”*



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8. The petitioner though being a ward member of the Keelamathur Village Panchayat, he cannot seek to direct the respondents 1 and 2 to take disciplinary action as against the 4<sup>th</sup> respondent by invoking the jurisdiction of this Court. The writ petitioner has conveniently suppressed the fact that the 5<sup>th</sup> respondent has been appointed in a temporary sanctioned post of Computer Operator by the proceedings of the Assistant Director of Panchayat, Madurai by order dated 07.09.2023 and proceeded to file this writ petition stating that the 5<sup>th</sup> respondent is continuously interfering in the administration of the Keelamathur village Panchayat as a proxy Panchayat Secretary on behalf of her husband, that is, the 4<sup>th</sup> respondent Panchayat Secretary, which is untrue as to the actual state of affairs of administration of the Keelamathur Village Panchayat.

9. The learned Special Government Pleader has filed a counter affidavit and has categorically submitted that the 5<sup>th</sup> respondent is dispensing her responsibilities as a Computer Operator in the aforesaid Panchayat and the 4<sup>th</sup> respondent is duly discharging his duties as a Panchayat Secretary. In view of the same, fully fortified by the Judgment of the Hon'ble Apex Court which is



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discussed supra, I am of the considered view that the petitioner is a third party who cannot claim to initiate departmental action as against the 4<sup>th</sup> respondent and it is for the employer to take appropriate departmental proceedings or action against an employee in case of misconduct on the part of the employee. The petitioner being a third party cannot maintain the writ petition invoking Article 226 of the Constitution of India in service matters seeking a Mandamus to take action against the employee or officials.

10. Accordingly, this Writ Petition stands dismissed. No costs.

**04.03.2024**

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

To

The Block Development Officer,  
Thiruparankundram Panchayat Union  
Office,  
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**L.VICTORIA GOWRI, J.**

Sml

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