



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30781 of 2023

and

W.M.P(MD)Nos.26438, 26439 of 2023, 1925 & 16057 of 2024

A.Lakshmi Azhkapuriyan

... Petitioner

Vs.

1.The Director,
Panchayat Raj and Rural Development Department,
Saidhapet, Chennai.

2.The District Collector,
Virudhunagar,
Virudhunagar District – 626 002.

3.The Block Development Officer,
Rajapalayam Panchayat Union,
Virudhunagar District.

4.The Block Development Officer,
Sattur Panchayat Union,
Virudhunagar District.

5.S.Murugan,
Panchayat Secretary,
Othayal Village Panchayat,
Sattur Union,
Virudhunagar District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned orders passed by the 2nd respondent in his proceedings in Na.Ka.No. R2/5/1/2023, dated 10.11.2023 and consequential impugned order passed by the 4th respondent in Na.Ka.No.A7/1691/2023, dated 30.11.2023, and quash the same as illegal and consequently direct the 2nd respondent to allow the petitioner's panchayat to fill up the Panchayat Secretary Post which was vacant from 01.01.2021.

For Petitioner : Mr.E.Mareeskumar

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.S.S.Madhavan
Government Advocate for R1 & R2
Mr.A.Kannan
Additional Government Pleader
for R3 & R4
M/s.Lakshmi Gopinathan
for M/s.Polax Legal Solution for R5

ORDER

The instant writ petition has been filed by the President of Melapattam Karisalkulam, challenging his order of transfer of Panchayat Secretary from Othayal Village Panchayat to Melapattam Karisalkulam Panchayat.



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2.The order impugned in the writ petition has been challenged on the sole ground that under the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2013, the Panchayat President alone is the appointing authority, whereas the proceedings has been passed by the Personal Assistant to the District Collector.

3.The learned Additional Advocate General appearing for the respondents as well as the learned Counsel appearing for the fifth respondent have brought to the notice of the Court that 2013 Rule has been superseded by the Tamil Nadu Village Panchayat Secretaries (Conditions of Services) Rules, 2023. As per Rule 13 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Services) Rules, 2023, the Personal Assistant to the District Collector is the competent authority to transfer the Panchayat Secretary from one union to another union.

4.In view of the fact that 2013 Rule has already been superseded by the New Rule of the year 2023, the order impugned in the writ petition has been passed by the competent authorities and therefore, this Court does not find any reason to interfere with the order of transfer.



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5. In view of the above said deliberations, there are no merits in the writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

04.10.2024

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

To

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R.VIJAYAKUMAR, J.

RJR

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