



WEB COPY

WP No. 15698 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 15698 of 2025

Santhu Muhamathu . K.A

Petitioner(s)

Vs

1. The District Collector
Coimbatore District , Coimbatore

2.The Commissioner,
Rural Development And Panchayat Raj Department,
Panagal Maligai, Saidapet,
Chennai 600 015

3.The Block Development Officer,
Rural Development and Panchayat Raj,
Anaimalai, Coimbatore

Respondent(s)

PRAYER

This writ petition has been filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent vide order in Na Ka no.56055/2024/P3 dated 05.02.2025 and quash the same and consequently direct the 2nd respondent to consider the petitioner's reversion



from the post of Assistant to Panchayat Secretary .

For Petitioner(s): Mr.Santhosh Kumar L

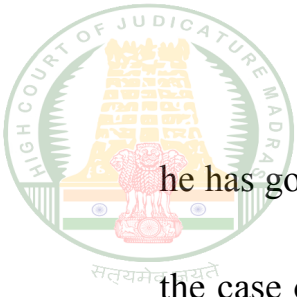
For Respondent(s): M/s. R. Sasikumar,
Govt Advocate, For R1 To R3.

ORDER

The instant writ petition is filed against the rejection order dated 05.02.2025, whereby, the petitioner's request for reversion to the post of Panchayat Secretary from the post of Assistant, was rejected.

2. The learned counsel for the petitioner would submit that similarly situated person, namely, Sivakumar was considered for reversion, whereas the petitioner's request was rejected, which amounts to discrimination.

3. Per contra, the learned Government Advocate appearing for the respondents would vehemently submit that the Service Rules of Panchayat Secretary and Ministerial Services are two different services and when a person is appointed under the Tamil Nadu Ministerial Service, it must be considered as a direct recruitment. By virtue of Section 14 of conditions of Service Act, if any member joins in a new post as a direct recruit from another Government service,



he has got a lien on the previous post only for a period of one year. Where as, in the case on hand, the petitioner has given his representation after one year and four days. Therefore, the request is in violation of Section 14, and hence the rejection cannot be interfered with.

4. I have considered the matter in the light of the submissions made by the learned counsel on both sides and peruse the materials available on records carefully.

5. The only contention put forth by the learned Government Advocate is that Section 14 has been contravened by the petitioner by giving an application with a delay of 4 days. At this juncture, the learned counsel for the petitioner would submit that the petitioner seeks demotion only on medical grounds.

6. Therefore, on the face of it, this Court does not find any infirmity in the impugned order. However, considering the petitioner's medical ground, this Court deems it appropriate to permit the petitioner to give a fresh representation seeking posting in an alternative light post.



7. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to give a fresh representation seeking posting in an alternative light post. If such representation is given, the 2nd respondent is directed to consider the same, on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

No costs.

01-07-2025

mrp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Collector

Coimbatore District Coimbatore

2. The Commissioner

Rural Development And Panchayat Raj Department

Panagal Maligai Saidapet, Chennai

3. The Block Development Officer

Rural Development And Panchayat Raj Anaimalai

Coimbatore



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C.KUMARAPPAN J.

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