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W.A.No.2345 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A.No.2345 of 2025

K.A.Santhu Muhamathu

... Appellant

-Vs-

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Maaligai,
Saidapet,
Chennai - 600 015.

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

... Respondents

PRAYER : Appeal under Clause XV of Letters Patent against the order dated 01.07.2025 made in W.P.No.15698 of 2025.

For Appellant : Mr.L.Santhosh Kumar

For Respondents : Mr.T.Chandrasekaran
Special Government Pleader

J U D G M E N T



W.A.No.2345 of 2025

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 01.07.2025 made in W.P.No.15698 of 2025.

2. The appellant was the writ petitioner who was initially appointed as Panchayat Assistant presently called Panchayat Secretary on 28.10.1996. After ten years of service, he was promoted to the post of Junior Assistant on 05.09.2017 in the Block Development Office at Pollachi South. Thereafter, he was given further promotion from the post of Junior Assistant to the post of Assistant on 01.06.2023 in the Block Development Office, Village Panchayat, Anaimalai.

3. While he was working as Assistant, he had developed some health issues, where he faced heart diseases and as a result of which, some procedure he had undergone, therefore for medical reasons, he wants to give up all the promotions to the post of Junior Assistant first, then the Assistant also and he wants to go back to the entry level post, i.e., Panchayat Secretary, for which, when he made an application, it was rejected through the order of the respondent Department dated 05.02.2025, which was under challenge before the



W.A.No.2345 of 2025

writ Court.

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4. The learned Judge, who heard the matter in fact has accepted the reason given by the respondent Department for rejecting such a plea raised by the appellant / petitioner on the ground that, as per Section 14 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (in short ‘the Act’), the employee if he is switched over from one service to another service either from State Government, Central Government, Universities, Public Sector Undertakings or any other Quasi-Government Organisation, such employee can maintain the leave or right in the employment in the erstwhile Department for a period of only one year, then, he can make his option to switch over once again to original position and beyond such one year period, he cannot maintain the leave and he cannot seek for any such reversion to the original Department.

5. In the case in hand, factually the writ Court found that, the appellant / petitioner has given such a request after one year and four days from the post of Assistant to the post of Panchayat Secretary which is beyond the one year period as contemplated under Section 14 of the Act, therefore on that reasons, since the request of the appellant / petitioner was rejected which was accepted by the writ Court, thereby the writ petition was dismissed through the impugned



W.A.No.2345 of 2025

6. We have heard Mr.L.Santhosh Kumar, learned counsel appearing for the appellant and Mr.T.Chandrasekaran, learned Special Government Pleader appearing for the respondents.

7. We have gone through Section 14 of the Act and it speaks only about the service of the employee by direct recruitment for appointment in any other service of the Government or any State Government, Central Government, or any other Quasi-Government organisation.

8. Herein the case in hand, the petitioner initially was appointed as Panchayat Assistant now called as Panchayat Secretary, from where after ten years of service he was promoted as Junior Assistant in the year 2017, thereafter after six years, he was further promoted to the post of Assistant. Therefore, it is a line of promotion which he has achieved based on the seniority and therefore, at one point of time, in view of the severe health conditions, he wanted to give up all the promotional positions and get a reversion in fact to the original entry level post, i.e., Panchayat Secretary. Therefore, he cannot be fit in under Section 14 of the Act, therefore, in our considered view, Section 14 of the Act would



W.A.No.2345 of 2025

not apply to the facts of the present case, therefore, based on such a wrong application of Section 14, the case of the appellant / petitioner ought not to have been rejected through the order passed by the respondent Department dated 05.02.2025 which was impugned before the writ Court.

9. Since that analogy as projected by the respondent Department was accepted by the writ Court through the impugned order, we are inclined to interfere with the order impugned and thereby, we are passing the following orders in this writ appeal:

(i) that the impugned order passed by the writ Court is set aside. As a sequel, the order of rejection made by the respondent Department dated 05.02.2025 also is set aside.

(ii) Consequently, there shall be a direction to the respondent Department to consider the request of the appellant / petitioner for reversion to the post of Panchayat Secretary purely on health grounds and accordingly, such orders shall be passed by the respondent / Competent Authority within a period of one month from the date of receipt of a copy of this judgment.

(iii) It is made clear that, once such a reversion order is passed, the appellant / petitioner shall join in the reverted position, i.e., Panchayat Secretary by giving up all his promotions, i.e., post of Junior Assistant, Assistant, his



W.A.No.2345 of 2025

seniority, his perquisites etc., and that cannot be claimed at any point of time till his superannuation.

10. With all these directions, this Writ Appeal is ordered accordingly.

However, there shall be no order as to costs.

(R.S.K., J.) (P.D.B., J.)
13.08.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

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W.A.No.2345 of 2025

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W.A.No.2345 of 2025

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W.A.No.2345 of 2025

13.08.2025