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W.A.(MD)NO.11 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.11 of 2022 AND

C.M.P.(MD)No.251 of 2022

1. The District Collector,
Madurai District Collector Office,
No.6, R.M.S.Road,
Pandi Bazaar, Madurai – 625 001.

2. The Block Development Officer,
Madurai East Taluk,
Madurai.

... Appellants/ Respondents

Vs.

M.Mohamed Jakaria

... Respondent / Petitioner

Prayer: Writ appeal filed under Clause 15 of the Letters Patent,
to allow the writ appeal by setting aside the order passed in W.P.
(MD)No.1498 of 2018 dated 11.11.2021.

For Appellant : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For Respondents : Mr.D.Selvanayagam,
for Mrs.M.Anbarasi.

* * *

**JUDGMENT**

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Heard both sides.

2. The District Collector, Madurai has filed this writ appeal questioning the order dated 11.11.2021 in W.P.(MD)No.1498 of 2018 filed by the respondent herein.

3. The respondent herein was appointed as Part Time Panchayat Clerk in Sakkimangalam Panchayat Union in the year 1997. His post was subsequently redesignated as Panchayat Assistant in the year 2001. In the year 2014, the respondent appears to have suffered some medical invalidity and submitted his resignation on 29.12.2014. He stopped attending the office thereafter. On 29.12.2017, he submitted representation for rejoining duty. Since it was not considered, he filed W.P.(MD)No.1498 of 20218. The learned single Judge disposed of the writ petition vide order dated 11.11.2021 in the following terms:-

“6. Thus, all that is needed is to direct the Appointments Committee envisaged under Rule



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3(4) to consider the appointment of the petitioner to the post of Village Panchayat Secretary upon his making a suitable application. To this effect, the petitioner is permitted to make an application to the Appointments Committee within a period of three(3) weeks from today.

7. Upon receipt of the aforesaid application, the Appointments Committee, comprising the Personal Assistant (Development) to the Collector, the Assistant Director (Panchayats) and the Block Development Officer (Village Panchayats) of the concerned blocks, shall consider the application, call upon the petitioner for details, if required, and consider his appointment in one of the two available vacancies, favourably, upon condition that the petitioner holds the requisite qualifications.

Aggrieved by the same, this writ appeal has been filed.

4. The learned Additional Government Pleader pointed out that the Appointments Committee cannot receive any individual application. As and when vacancies arise in the post of Panchayat Secretary, the jurisdictional Employment Exchange will be notified and applications called for from open market. We endorse the said



contention. We are therefore satisfied that the order passed by learned single Judge has to be set aside. It is accordingly set aside. At the same time, the case of the writ petitioner has to be indulgently viewed. He had submitted his resignation on his own volition. He appears to have suffered some disability. Be that as it may, the letter of resignation can be very much treated as request for voluntary retirement.

5. We take note of the fact that the writ petitioner had served the department from 1997 onwards. Considering his 17 years of service, the writ petitioner deserves to be given relief in terms of G.O.Ms.No.22 Rural Development and Panchayat Raj(E6) Department dated 14.12.2011.

6. The learned Additional Government Pleader pointed out that the GO issued by the Department from time to time is applicable only to those persons who retired as Panchayat Secretary on reaching the age of superannuation and not those who voluntarily retired earlier or those who resigned from service.



7. We are of the view that the writ petitioner's case will have to

be considered as a special case. During the relevant time, the persons who retired from the post as Panchayat Secretary were given lump sum amount of Rs.50,000/-. They were also given special pension of Rs.700/- per month. The amount of Rs.50,000/- shall be given to the writ petitioner within a period of twelve weeks from today. Likewise he will be given Special Pension with effect from 01.11.2025 onwards. Since he has served only for 17 years, there is no need to pay arrears for the intervening period. This writ appeal stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
26th August 2025

NCC : Yes / No
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AND

K.RAJASEKAR, J.

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