

W.A.(MD)No.1039 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

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and

C.M.P.(MD)No.6624 of 2025

- 1.The District Collector,
O/o. The District Collector,
Sivagangai District, Sivagangai.
- 2.The Personal Assistant to District Collector,
(Development) Collectorate,
Sivagangai.
- 3.The Block Development Officer,
(Village Panchayat), Thiruppuvanam,
Sivagangai District.
- 4.The President,
Village Panchayat,
T.Puliyankulam, Sivagangai District.

... Appellants

-Vs-

A.Muthiah

... Respondent



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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 11.09.2024 made in W.P.(MD)No.20433 of 2024 on the file of this Court.

For Appellants : Mr.S.S.Madhavan,
Additional Government Pleader

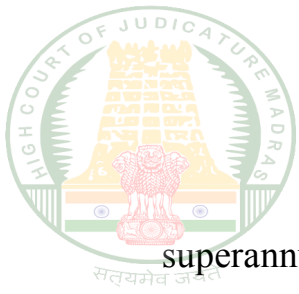
JUDGMENT

[Judgment of the Court was delivered by **S.SRIMATHY, J.**]

This Writ Appeal is filed against the order dated 11.09.2024 passed in W.P.(MD)No.20433 of 2024.

2.The Writ Petition was filed for Certiorarified Mandamus to quash the suspension order dated 11.11.2020 and consequential order dated 30.04.2024 and to direct the respondents to permit the petitioner to retire from service with effect from 30.04.2024 and to direct the respondents to disburse all the retirement benefits.

3.The Writ Court, after hearing both sides, allowed the said Writ Petition, holding that the writ petitioner ought to be treated to have attained



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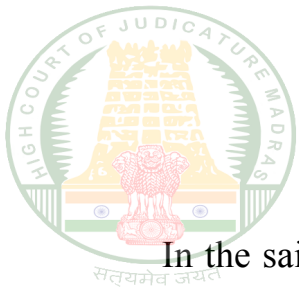
superannuation on 30.04.2024 and all other consequential benefits shall follow.

Challenging the same, the appellants / respondents have filed this Writ Appeal.

4.Heard the learned counsel on either side and perused the materials available on record.

5.It is the case of the writ petitioner that he was working as a Panchayat Secretary in the 4th appellant Village Panchayat. The petitioner was placed under suspension on 11.11.2020 by the 1st appellant. Then a charge memo dated 07.12.2021 was issued. The petitioner challenged the suspension order and the Court directed the appellants to conclude the disciplinary proceedings expeditiously, but inspite of several orders by the Court, the enquiry was not completed. When the petitioner was about to retire on 30.04.2024, the 4th appellant has passed the order dated 30.04.2024, wherein the petitioner's service was extended and he was retained in service. Therefore, challenging the same, the writ petitioner has filed the said Writ Petition.

6.It is the contention of the writ petitioner that he is governed by the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2023.



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In the said Rules, there is no provision for extending the service beyond the date of retirement on the ground of pendency of charges. Further, if the Fundamental Rules are applicable to the respondent, then the 4th appellant Panchayat President is not the competent authority to extend the service of the writ petitioner.

7.This Court, after perusing the order of the Writ Court, is convinced that the Writ Court order needs no interference. The Writ Court has rightly held that the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and the Fundamental Rules of the Tamil Nadu Government are not applicable to the writ petitioner, who was serving as Panchayat Secretary. Therefore, there is no infirmity or error in the order passed by the Writ Court. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
24.04.2025

NCC : Yes / No
Index : Yes / No

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