(2011) 08 MAD CK 0366

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) No. 6393 of 2009

K. Masanam	APPELLANT
Vs	
The District Collector, Sivagangai District, Sivagangai, The Block Development Officer, Thiruppuvanam Panchayat Union, Thiruppuvanam, The Piramanur Village Panchayat and Arumugam	RESPONDENT

Date of Decision: Aug. 24, 2011

Citation: (2011) 08 MAD CK 0366

Hon'ble Judges: P. Jyothimani, J

Bench: Single Bench

Advocate: A. Rahul, for the Appellant; V. Pandi, Government Advocate for Respondents 1-3 and Mr. H. Arumugam for 4th Respondent, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

The Honourable Mr. Justice P. Jyothimani

1. The writ Petitioner on the basis that the third respondent panchayat has passed resolution on 12.09.2007has claimed himself to be appointed as Over Head Water Tank Operator of the third Respondent village panchayat and according to him, he worked in the said post till14.02.2009, the date after which the third Respondent President is stated to have been refused permission to the petitioner to work in the said capacity. It was, in those circumstances, he has filed the present writ petition to for bear the third

Respondent from terminating the petitioner from working as Over Head Water Tank Operator in the Sivanangulam Village, Piramanur Panchayat, Thiruppuvanam Panchayat Union, Sivagangai District.

2. The fourth Respondent who has impleaded has stated that the third Respondent has in fact appointed him only as per the resolution of the panchayat union dated 10.05.2001, and that fact has been confirmed by the third respondent again, in his letter, dated 10.06.2009.

3. It is the case of the third Respondent who has filed counter affidavit that he has never appointed the petitioner in that post. On the other hand, it is the case of the third Respondent that even before the tenure of his office in 2006-2011 when one S. Alagu Chellachamy who was holding the post of President who has appointed the fourth respondent as Over Head Water Tank Operator, he is stated to be working as on date in the said capacity.

4. In such view of the matter, when the third respondent whose office as a President continues from 2006-2011 has specifically stated that the fourth Respondent was appointed by his predecessor and he continues to be working in the said capacity, the relief claimed by the Petitioner in the writ petition cannot be granted. The writ petition fails and the same is dismissed. However, it is made clear that if any vacancy of Over Head Water Tank Operator or any additional vacancy is in existence, it is always open to the second Respondent, Block Development Officer, to consider the name of the Petitioner, if he is other wise qualified. No costs. Consequently, connected miscellaneous petitions are closed.