

(2009) 11 MAD CK 0012

In the Madras High Court

Case No : Writ Petition No. 17397 of 2009 and M.P. No. 1 of 2009

S. Bagirathi

APPELLANT

Vs

The District Collector, The Block Development Officer and The
Village President

RESPONDENT

Date of Decision : 02-11-2009

Acts Referred:

Tamil Nadu Panchayats Act, 1994 — Section 202, 202(2)

Citation : (2009) 11 MAD CK 0012

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : S. Senthil Kumar, for the Appellant; R. Neelakantan, Government Advocate for R1 and R2 and D. Srinivasan, for R3, for the Respondent

Judgement

K. Chandru, J.—The writ petition is filed by the petitioner seeking for a direction to the third respondent, President of Vennaiyur Village

Panchayat, Kattumannarkoil Taluk, Cuddalore District to allow her to work as a Clerk-cum-Computer Operator in the third respondent office and

pass such further orders as the court may deem fit.

2. It is the case of the petitioner that in the meeting held on 10.03.2007, she was appointed as a Clerk of the Village Panchayat and the same was

approved by the entire panchayat. It is also stated that she has studied +2 and also worked at village panchayat on contract basis in the same

village.

3. The one factor, which was pleaded by the petitioner is that the petitioner's father Selvaraj, who was working as a Panchayat Assistant became

unwell, therefore, he was relieved from service. Thereafter, the petitioner was appointed.

4. On notice from this Court, the respondent Panchayat denied the appointment of the petitioner and also filed a counter affidavit dated

20.10.2009. In the counter affidavit, it is stated that the petitioner's father worked for 20 years till 2006 as a Panchayat Assistant and his service

was also extended by one year. Thereafter, the Panchayat had appointed one Balamurugan as a Part Time Clerk in the panchayat. The petitioner's

father having grievance over the said appointment since his daughter was not considered, he has set up his daughter to file the present writ petition

and the records of the Panchayat were manipulated as if the petitioner was appointed as a clerk. There was no agenda placed before the

Panchayat and no resolution was passed on the appointment of the petitioner. In support of their contentions, the third respondent produced the

original book of Minutes justifying the stand of the Panchayat.

5. After perusing the records, the learned Counsel for the petitioner has now filed supporting affidavit by one K. Rathnavathy, who was also

councillor of the Panchayat. In the affidavit, it is stated that though the resolution dated 10.03.2007 was not cancelled, she has not signed the

resolution as it was not brought to her notice.

6. The Counsel for the third respondent contended that the said K. Rathnavathy was a close relative of the petitioner and no credentials can be

drawn to the said affidavit.

7. A photostat copy of the agenda produced by the petitioner is materially differs from the original minutes book.

8. In the light of the contradictory stand taken by both sides, there was a clear assertion by the third respondent that the petitioner was not

appointed in the Panchayat, the only option open to this Court is that to direct the first respondent District Collector, who is also a Inspector of the

Panchayat to make an enquiry with regard to the appointment of the petitioner. It is laid down u/s 202 of the Tamil Nadu Panchayat Act, 1994 that

the Inspector of Panchayat has been given power to suspend or cancel any resolution passed and also to prohibit the doing of any act of the

Panchayat, which is not in accordance with the Act.

9. In the light of the statutory provision provided under the Act, the first respondent is directed to enquire with regard to the grievance of the

petitioner and also peruse original records of the Panchayat and thereafter, if the

first respondent is satisfied that the petitioner has been properly appointed by the Panchayat, then he can allow the petitioner to continue. If the Inspector is not satisfied with the stand of the petitioner and if he was convinced that the petitioner was not appointed in accordance with law, he can pass appropriate orders on the same. Before passing the order as enjoined u/s 202(2), he may grant opportunity to such of the parties as it deem fit in the circumstances of the case.

10. The first respondent is hereby directed to take a decision after due notice to the parties and communicate the result to the parties.

11. The agenda and minutes book produced by the learned Counsel for the third respondent is handed over to the Counsel with a direction that the same shall be produced before the District Collector as and when required.

12. The writ petition is disposed of with the above observation. No costs. Consequently, connected M.P. No. 1 of 2009 is closed.