

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24981 of 2015
and
M.P.Nos.1 & 2 of 2015

E.Raja

.. Petitioner

- Vs -

1. The Secretary,
Transport Department,
Government of Puducherry,
Puducherry.
 2. The Managing Director,
Puduchery Road Transport Corporation Ltd.,
Iyyanar Koil Street, Raja Nagar,
Kuyavarpalayam, Puducherry - 13.
- .. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the entire records pursuant to the order No.3/PRTC/Admn/87/897 dated 22.07.2015 on the file of the second respondent and quash the same.

For Petitioner : Mr.G.B.Saravanabhavan

For Respondent 1 : Mr.A.Tamilvanan
Government Advocate (Pondy)

For Respondent 2 : Mr.A.R.Nixon

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner would submit that he joined the services of the second respondent during the year 1987 and his service was regularised as a driver of heavy motor vehicle. The petitioner was directed to look after the duties of Supervisor with effect from

31.03.1998. He took charge on 03.04.1998 and thereafter was designated as a Senior Grade Driver vide order dated 03.12.2001. The petitioner was designated as a Selection Grade Driver / Driving Instructor on temporary basis with effect from 01.06.2005 and on 01.02.2006 he was promoted as Traffic Officer as per the order of the second respondent dated 10.03.2006 in the pay scale of Rs.19,300-34,800.

3. The petitioner would further submit that to his shock and surprise the second respondent has issued the impugned order re-designating him as a Driving Instructor and reverted him to the said post with immediate effect. The petitioner challenging the legality of the same has come forward to file this writ petition.

4. The learned counsel appearing for the petitioner would submit that the order of reversion has been passed against him without putting him on notice and consequently his status as well as his pay scale got reduced and hence prays for intervention.

5. Mr.A.Tamilvanan, learned Government Advocate accepts notice on behalf of the first respondent and Mr.A.R.Nixon, learned standing counsel accepts notice on behalf of the second respondent.

6. Mr.A.R.Nixon, learned standing counsel appearing for the second respondent, on instructions, would submit that since the petitioner do not possess the required qualifications, he was reverted to the post of Driving Instructor and seeks time to file counter.

7. This Court heard the rival submissions and perused the materials placed before the Court.

8. Admittedly, before passing the impugned order, the petitioner was not put on notice. The order of reversion results in civil consequence and reduction in the scale of pay and status and therefore in all fairness the second respondent ought to have put the petitioner on notice before passing the impugned order of reversion, which he fails to do so and hence on this sole ground the impugned order warrants interference.

9. In the result, the writ petition is partly allowed and the impugned order dated 22.07.2015 is set aside and the matter is once again remitted back to the second respondent, who shall issue show cause notice to the petitioner giving out reasons, within two weeks from the date of receipt of a copy of this order and the petitioner shall submit his explanation within a period of two weeks thereafter and the second respondent on receipt of the same is directed to consider the said explanation on merits and in accordance with law and pass orders thereon within a period of four weeks thereafter and

communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary,
Transport Department,
Government of Puducherry,
Puducherry.
2. The Managing Director,
Puduchery Road Transport Corporation Ltd.,
Iyyanar Koil Street, Raja Nagar,
Kuyavarpalayam, Puducherry - 13.

+1 cc to Mr.A.R.Nixon, Advocate, sr.44118

+1 cc to Mr.G.B.Saravanabhavan, Advocate, sr.44332

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