

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.3532 of 2016
and
W.M.P.No.2892 of 2016

M.Karunanithi

... Petitioner

-Vs-

1. The Divisional Engineer,
Highways, Dharapuram,
Thiruppur District.

2. The Assistant Divisional Engineer,
Highways, Moolanur,
Thiruppur District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records with respect to the impugned order passed by the second respondent dated 08.01.2016 in his proceedings in Se.Mu.Ka.No.24/2016/ENiU and quash the same.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.A.Kumar,
Special Government Pleader

ORDER

The petitioner has challenged the impugned order mainly on the ground that the same has been passed without any notice. Originally, the petitioner was appointed as Salai Paniyalar and thereafter, pursuant to the earlier orders, he has been posted as Office Assistant only on 06.01.2016, and he also joined in the new post. But curiously, without any notice calling for explanation and without any reason, the impugned order has been passed reverting back the petitioner to the post of Salai Paniyalar. Hence, the present writ petition has been filed to quash the impugned order passed by the second respondent dated 08.01.2016 in his proceedings in Se.Mu.Ka.No.24/2016/ENiU.

2.The learned counsel for the petitioner has submitted that the action of the second respondent in passing the impugned

order without any notice and without giving any reason, is illegal and it violates the principles of natural justice.

3.Mr.A.Kumar, Special Government Pleader, takes notice for the respondents.

4.A detailed counter was filed on behalf of the second respondent, in which they would only state that since the earlier seniority has been modified and it has been published and having received objection from others, they had passed the impugned order.

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

6.The impugned order is liable to be set aside on the limited ground that a person having been given appointment as Office Assistant was reverted back to the earlier post without even issuing notice, which is a basic necessity. Further, no reason has been stated in the impugned order as to why the petitioner was reverted. The said order passed by the second respondent violates the principles of natural justice. Hence, the impugned order passed by the second respondent is set aside and the writ petition is allowed. It is open to the second respondent pass fresh orders after issuing notice and after affording a reasonable opportunity to the petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

KM

Sub Assistant Registrar

To

1. The Divisional Engineer,
Highways, Dharapuram,
Thiruppur District.
2. The Assistant Divisional Engineer,
Highways, Moolanur,
Thiruppur District.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.43384

+1cc to the Government Pleader, S.R.No.43621

W.P.No.3532 of 2016 and

W.M.P.No.2892 of 2016

VD(CO)

CA(23/08/2016)