



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2016

C O R A M

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THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.21818 of 2016
and
WMP(MD)No.15596 of 2016

Manthaikallai

.. Petitioner

Vs.

1.The District Collector, Madurai.

2.The Block Development Officer,
Uranganpatti Panchayat,
Melur Taluk, Madurai District.

3.The Secretary,
Uranganpatti Panchayat,
Uranganpatti, Melur Taluk,
Madurai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in his proceedings Na.Ka.No.2135/2016/Thil, dated 27.10.2016 and quash the same as illegal and also direct the second respondent to reinstate the petitioner as overhead tank operator in urankanpatti panchayat.

For petitioner

... Mr.s.Muthukrishnan

For Respondents

... Mr.V.R.Shanmugananthan
Special Government Pleader

O R D E R

This is a writ of Certiorarified Mandamus challenging the order, dated 27.10.2016 of the second respondent by which, the petitioner has been dismissed from service with effect from 27.10.2016. The consequential direction has been sought for reinstatement of the petitioner to the second respondent to reinstate the petitioner as overhead tank operator.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The brief facts leading to the filing of this writ petition:-

The petitioner is working as overhead tank operator for a period of 17 years. Due to heavy drought in the petitioner's village, the bore well used to fill up the overhead tank became dry and therefore, there is scarcity of drinking water in the entire village. The villagers approached the first and second respondents to make alternative arrangements for drinking water. The respondents, after considering the situation, in the year 2015, arranged an alternative bore well with motor near the grave yard and also arranged for pipeline from the new bore well to the overhead tank. As the bore well was not connected with overhead tank, the people of the village started several agitations headed by the petitioner's son. Thereafter, the second respondent, in order to divert the issues, has caused the show cause notice to be issued on the petitioner. This show cause notice is dated 17.10.2016.

3.1. There is a reference about four letters in the show cause notice. In the show cause notice, the petitioner has been directed to submit his explanation within a period of two days, for which, the petitioner has submitted a reply dated 22.10.2016 seeking copy of the documents that are referred to in the show cause notice as well as seeking two weeks time atleast to enable him to submit the reply. Despite the explanation submitted by the petitioner herein, the second respondent has passed an order terminating the services of the petitioner, which is under challenge.

4. A mere perusal of the impugned order, dated 27.10.2016 passed by the second respondent/Block Development Officer would go to show that sufficient opportunity of hearing has not been rendered to the petitioner, when the petitioner wanted copy of the documents to be furnished to him. Until those copy of documents are furnished, the petitioner would not be in a position to effectively respond to the show cause notice. But neither the documents have been produced nor time has been given to the petitioner. Thereafter, without conducting proper enquiry, the second respondent has passed the order of termination. Therefore, the impugned order has been passed without following the principles of natural justice and hence, it is liable to be set aside.

5. Accordingly, the impugned order dated 27.10.2016 is set aside. The writ petition is allowed. The matter is remitted back to the respondent with a direction to provide copies of documents that are referred to in the show cause notice dated 17.10.2016 and also to provide two weeks time to the petitioner to



respond to the show cause notice and thereafter, to conduct enquiry in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/-

Assistant Registrar(C)

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/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Madurai.

2.The Block Development Officer,
Uranganpatti Panchayat,
Melur Taluk, Madurai District.

+1cc to Mr.S.MuthuKrishnan, Advocate, SR.No:69166

rj2

AE/BS/28.02.2017/3P/4C

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