

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.9330 of 2017

and

W.M.P.No.10304 & 10305 of 2017

M.Mohamed Jafar

... Petitioner
Versus

1. The Commissioner
Municipal Administration,
Chepauk, Chennai - 5.

2. The Commissioner,
Panruti Municipality,
Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari and to call for the records of the first respondent in D.O.No.7527/2017/C1 dated 31.03.2017 and the consequential order of cancellation of the petitioner's promotion passed by the second respondent in Na.Ka.No. 6107/2015/C1 dated 04.04.2017 and quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.S.Gunasekaran
Addl. Government Pleader for R1
Mr.P.V.Selvakumar
Addl. Government Pleader for R2

ORDER

This writ petition is filed challenging the order of reversion of the writ petitioner from the post of Sanitary Inspector to the post of Sanitary Worker.

2. The writ petitioner was appointed as Sanitary Worker and by virtue of the length of service, he was promoted to the post of Sanitary Inspector and joined in the post. The short ground advanced by the learned counsel appearing for the petitioner is

that the impugned order of reversion was issued without issuing any notice to the writ petitioner and therefore the impugned order is in violation of the principles of natural justice. The legal principle is that no employee can be reverted without providing an opportunity of submitting his explanation / objection. On the ground of violation of the principle of natural justice, this writ petition is filed.

3. Mr.P.V.Selvakumar, learned Additional Government Pleader appearing for the second respondent has filed a counter affidavit, in which it is not substantiated by the respondent that an opportunity was given to the writ petitioner before issuing the order of reversion. At this stage, it may not be required for this Court to adjudicate the merits and demerits of the respective pleadings, since the basic legal principle of an opportunity was not extended to the writ petitioner.

4. Accordingly, this Court is inclined to consider the ground raised by learned counsel for the petitioner regarding the violation of the principles of natural justice.

5. Thus the impugned order suffers infirmity and accordingly the writ petition is to be allowed.

6. However, it is left open for the respondents to reopen the case by issuing fresh notice and after providing all reasonable opportunity and after getting explanation from the writ petitioner, they can proceed with the matter for passing orders in this regard.

7. With this observation, the impugned order of reversion is quashed and writ petition stands allowed. No costs. Consequently connected miscellaneous petitions are also closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

at/dpq

To

1. The Commissioner
Municipal Administration,
Chepauk, Chennai - 5.

2. The Commissioner,
Panruti Municipality,
Cuddalore District.

+1 cc to Mr.P.V.Selvakumar Advocate sr 46731

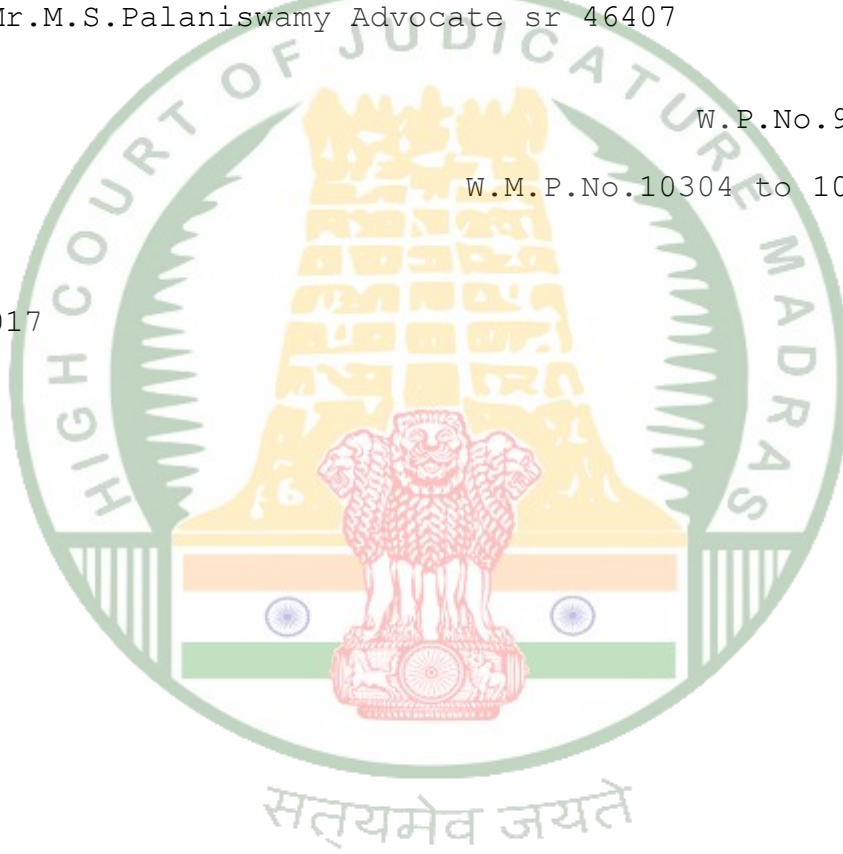
+1 cc to Government Pleader sr 46560

+1 cc to Mr.M.S.Palaniswamy Advocate sr 46407

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and

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