



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2017

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE S. S. SUNDAR**

W.P. (MD) .No.6169 of 2017

and

M.P. (MD) Nos.4860 and 4861 of 2017

R.John Christopher

...Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Block Development Officer,
(Village panchayats),
Thuckalay,
Kozhiporvilai.

3.Maruthurkurichi Panchayat,
Represented by its Special Officer,
Kanyakumari District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the second respondent pertaining to it's order in Na.Ka.No.A8/995/2016 dated 28.02.2017 and to quash the same as illegal and consequently direct the respondent to permit the petitioner to discharge his duty as Over Head Tank Operator in third respondent panchayat.

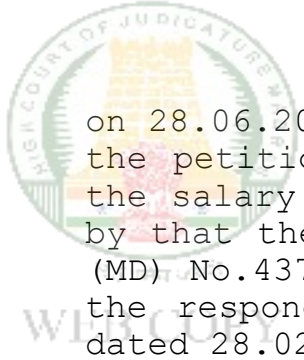
For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

O R D E R

The Writ Petition is filed challenging the impugned order passed by the second respondent, dated 28.02.2017 and to quash the same as illegal and consequently to direct the respondent to permit the petitioner to discharge his duty as Over Head Tank Operator in the third respondent panchayat.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The petitioner was appointed as Over Head Tank Operator



on 28.06.2007, in the third respondent panchayat. It is the case of the petitioner that all of a sudden, the respondent stopped paying the salary to the petitioner with effect from 01.12.2016. Aggrieved by that the petitioner approached this Court earlier by filing W.P. (MD) No.4372 of 2017. However, during pendency of the Writ Petition, the respondent communicated to the petitioner, the impugned order dated 28.02.2017 terminating the petitioner from his service.

5. Though it is stated in the impugned order that the petitioner has committed some irregularities while performing his duty and that he was not sincere in his work, there was no show cause notice and no enquiry, before terminating the service of the petitioner.

6. Hence, the impugned order is in violation of principles of natural justice and is liable to be set aside. Accordingly, the impugned order dated 28.02.2017 issued by the second respondent is quashed. The respondent is directed to reinstate the petitioner forthwith. However the respondent is given liberty to initiate action afresh against the petitioner and proceed further if they choose to take disciplinary proceedings against the petitioner and pass orders after giving sufficient opportunity and hold an enquiry in accordance with law.

8. With the above directions, this Writ Petition is allowed. Consequently, the connected M.P. (MD) Nos. 4860 and 4861 of 2017 are closed. No costs.

Sd/-

Assistant Registrar (P & A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
At Nagercoil.

2. The Block Development Officer,
(Village panchayats),
Thuckalay,
Kozhiporvilai.

3. The Special Officer,
The Maruthurkurichi Panchayat,
Kanyakumari District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. NO.62688

+1cc to Mr. S.C. HEROLD SINGH Advocate in SR. No.62585

GSP/CMR

JS/KP/SAR.1/2P-6C/7.7.2017

W.P. (MD) .No.6169 of 2017