

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.8245 to 8248 of 2018

And

W.M.P.Nos.10203 to 10210 of 2018

J.Geena		Petitioner in WP 8245/2018
R.Nagaveni		Petitioner in WP 8246/2018
P.Syed Ali Fathima	...	Petitioner in WP 8247/2018
R.Chandra Prabha	...	Petitioner in WP 8248/2018

Vs.

- 1.The Principal Secretary/Commissioner
of Revenue Administration,
Revenue Administration,
Chepauk,
Chennai-600 005.
- 2.The District Collector,
Nagercoil,
Kanniyakumari District.
- 3.District Revenue Officer,
Office of the District Collectorate,
Nagercoil,
Kanniyakumari District.
- 4.Personal Assistant (General) to Collector,
Office of the District Collector,
Nagercoil,
Kanniyakumari District.
- 5.A.Bhaskar
- 6.S.Amudha
- 7.K.Kalaiselvi
- 8.C.Anudeepa
- 9.J.Panimayam

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10.V.Muthulakshmi

... Respondents in all WPs

Writ Petitions are filed under Article 226 of the Constitution of India for the issuance of Writs of Certiorari, calling for the records relating to the proceedings of the first respondent in R.C.No.SerIV(3)/34746/2017, dated 17.3.2018 and quash the same.

For Petitioner
in all WPs

: Mr.R.N.Amarnath

For Respondents-1to4
in all WPs

: Mr.V.Kadhirvelu,

Special Government Pleader.

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C O M M O N O R D E R

The order of reversion issued by the first respondent dated 17.3.2018 is under challenge in these writ petitions.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the impugned order of reversion has been issued without issuing any show cause notice and opportunity to the writ petitioner and therefore the same is in violation of the principles of natural justice.

3. This Court is of an opinion that right of defence for an employee is a right ensured under the law and therefore, such a right cannot be taken away. The order impugned reverting the writ petitioner has been issued without issuing any show cause notice so as to enable the writ petitioner to defend his case in accordance with law.

4. This apart, the said order was issued, based on the order passed by the Madurain Bench of this Court in WP (MD) No.19446 of 2017 dated 6.11.2017, directing the authorities to consider the representation submitted by one Smt.S.Amutha. The said S.Amutha had not impleaded all the necessary parties in that writ petition. Therefore, the respondents ought to have issued notice to the writ petitioner enabling him to defend his case, so also to all other affected persons.

5. Contrarily, the decision was taken unilaterally by the respondents without even adhering the principles of natural justice. This being the factum of the case, this Court is of an

opinion that the present writ petitions are fit cases for remittance. The reasons stated in the impugned order is that the writ petitioner was promoted based on the Government Order, which was cancelled. Whatever may be the reason, the petitioner must be heard before passing any order affecting the service rights. Under these circumstances, the order impugned passed by the first respondent in proceedings R.C. No.SerIV(3)/34746/2017 dated 17.3.2018 is quashed and the matter is remitted back to the first respondent for issuing show case notice to all concerned, within a period of three weeks from the date of receipt of a copy of this order and on receipt of explanations/objections from the employees concerned, a decision shall be taken and final order is to be passed on merits and in accordance with law thereafter, without causing any undue delay.

6. Accordingly, the writ petitions stand allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn
To

- 1.The Principal Secretary/Commissioner
of Revenue Administration,
Revenue Administration,
Chepauk,
Chennai-600 005.
- 2.The District Collector,
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- 3.District Revenue Officer,
Office of the District Collectorate,
Nagercoil,
Kanniyakumari District.
- 4.Personal Assistant (General) to Collector,
Office of the District Collector,
Nagercoil,
Kanniyakumari District.

+4 ccs to M/s.R.N.Amarnath Advocate sr 27005,27006,
27007,27008

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