

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23704 of 2015

and

WMP.No.11846 of 2016 and M.P.No.1 of 2015

R.Abdul Kuthuse

..Petitioner

vs

The Assistant Executive Engineer,
(Agricultural Engineering),
Thirukovilur,
Villupuram District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in Se.Mu.Aa.693/2014 dated 20.07.2015 and quash the same and direct the respondent to restore the earlier fixation of pay and grant the petitioner all consequential benefits.

For Petitioner : Mr.K.Mageshkumar
for M/s.P.Rajendran

For Respondent : Mr.A.Sri Jayanthi,
Special Government Pleader

O R D E R

The order of fixation of pay of the writ petitioner issued by the respondent in proceedings dated 20.07.2015, is under challenge in this writ petition.

2. The learned counsel appearing on behalf of the writ petitioner, Mr.K.Magesh kumar, made a submission that the impugned order affecting the rights of the writ petitioner has been issued without any show cause notice. Thus, the impugned order is in violation of principles of natural justice. On perusal of the impugned order, it was issued by the respondent. There is no reference in respect of issuance of show cause notice to the writ petitioner before taking a decision in respect of the refixation of pay.

3. This Court is of an opinion that any order affecting the service rights of the employee has to be issued only after issuing show cause notice and opportunity to the writ petitioner. Thus, the impugned order passed by the respondent in proceedings No.Se.Mu.Aa.693/2014 dated 20.07.2015 is quashed.

4. The respondent is directed to issue show cause notice to the writ petitioner setting out all the details enabling the writ petitioner to submit his explanation within a period of four weeks from the date of receipt of a copy of this Order. On receipt of the explanation from the writ petitioner, final order in this regard shall be passed by the respondent within twelve weeks thereafter.

5. Thus, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

stm/lok

To

The Assistant Executive Engineer,
(Agricultural Engineering),
Thirukovilur,
Villupuram District

+1 CC to Mr.P. Rajendran, Advocate sr 36548.

सत्यमेव जयते

W.P.No.23704 of 2015

WEB COPY

VBA (CO)
SP(20/06/2018)