

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2018

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.41488 of 2002

Seenichamy

... Petitioner

Vs.

1. The District Collector,
Tuticorin
2. The Panchayat Board,
Vembar, Vilathikulam Taluk,
Tuticorin District through its
President

... 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 relating to the Order passed by the First Respondent in Va.3/47550/2002 dated 12.09.2002 and quash the same thereby directing the Respondents to reinstate the Petitioner in service with all salary benefits from 03.06.2002.

For Petitioner : Mr.A.R. Nixon

For 1st Respondent: Mr.K.S. Suresh
Government Advocate

For 2nd Respondent: No appearance

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O R D E R

The Petitioner was appointed as Operator of Water Tank by the Second Respondent on 03.06.1998 and he was removed from service by the President of the Panchayat /Second Respondent by order dated 03.06.2002. Aggrieved by that order, the Petitioner had filed the Writ Petition bearing W.P.No.22776 of 2002 before this Court, which was disposed on 27.06.2002 directing the District Collector, Tuticorin /First Respondent to consider the

fresh representation that may be made on the part of the Petitioner, within three weeks from the date of receipt of a copy of that order and to dispose of the same on merits and in accordance with law with an opportunity for the Petitioners to be heard within four weeks thereafter.

2. In furtherance thereto, the Petitioner submitted a fresh representation dated 29.07.2002 to the First Respondent, which was disposed by order No.t3/47550/2002 dated 12.09.2002, in a cryptic manner. On a perusal of the aforesaid order, which is impugned in this Writ Petition, it is evident that the First Respondent has not discussed any of the contentions raised by the Petitioner in his representation dated 29.07.2002 or explained how the conclusion was arrived to reject his claim on the basis of the materials borne out of the record. It is needless here to recapitulate the settled legal position reiterated by the Constitution Bench of the Hon'ble Supreme Court in S.N. Mukherjee vs Union of India (AIR 1990 SC 1984) that except in cases where the requirement has been dispensed with expressly or by necessary implication, an administrative authority exercising judicial or quasi-judicial functions is required to record the reasons for its decision.

3. In the aforesaid circumstances, the impugned order dated 12.09.2002 passed by the First Respondent, which cannot be sustained, is quashed and the matter is remitted to the First Respondent for fresh determination. Notice of hearing shall be issued by the First Respondent to the Petitioner as well as the Second Respondent well in advance for their appearance on the date fixed for that purpose and after affording them full opportunity to substantiate their respective contentions, including by way of production of documents and examination of witnesses, if any, the First Respondent shall examine each of the contentions raised by the Petitioner in his representation dated 29.07.2002 and pass reasoned orders on merits in accordance with law and communicate the decision and file report of such compliance before the Registrar (Judicial) of this Court by 31.10.2018. It is made clear that no view has been expressed by this Court on the correctness or entitlement of the claim made by the Petitioner.

4. The Writ Petition is disposed of on the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Tuticorin
2. The President,
The Panchayat Board,
Vembar, Vilathikulam Taluk,
Tuticorin District

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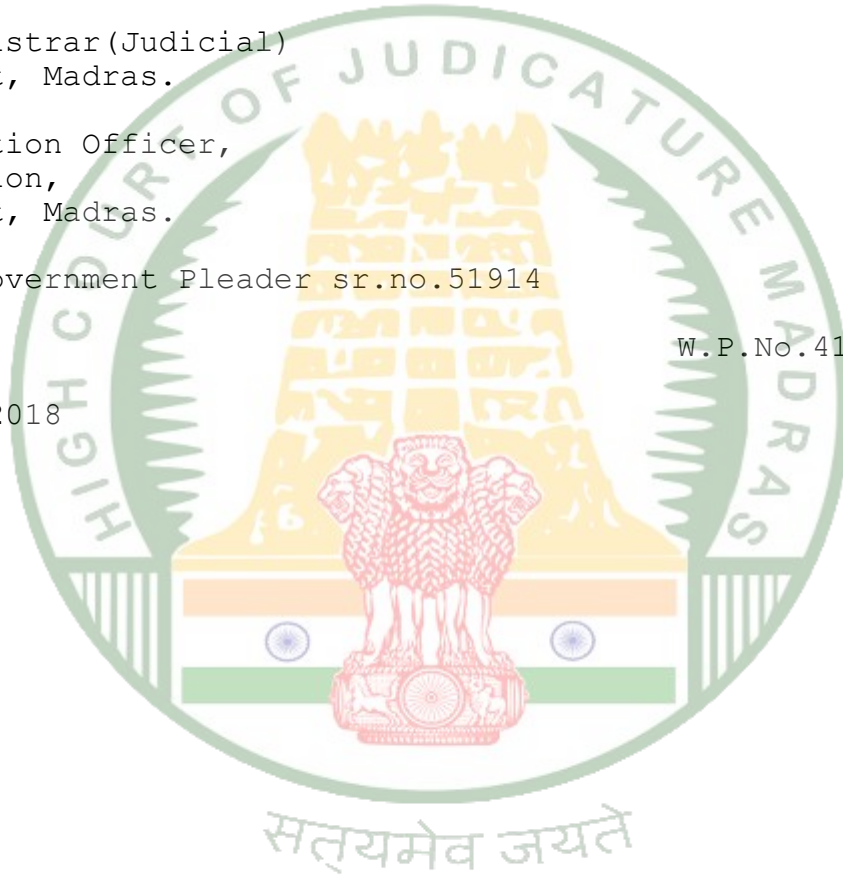
1.The Registrar(Judicial)
High Court, Madras.

2.The Section Officer,
Writ Section,
High Court, Madras.

+1cc to Government Pleader sr.no.51914

W.P.No.41488 of 2002

nr 11/08/2018



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