

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.25693 of 2018

and

W.M.P.Nos.29880 & 29883 of 2018

K. Karunamoothy

... Petitioner

..Vs..

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.
Rajaji Salai,
Chennai - 600 001.
2. The Purchase Manager,
Material Department - Purchase Division,
Chennai Mteropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.
3. The Chief Engineer,
Chennai Mteropolitan Water Supply and Sewerage Board
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.
4. The Assistant Engineer
Chennai Mteropolitan Water Supply and Sewerage Board
No.1,Prakasam Street, T.Nagar,
Chennai - 600 017.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari calling for the records pertaining to the impugned letter in CMWSSB/PUR/Water Lorry/9KL/W.O.No.210/2017-20/Spl/2018, dated 10.09.2018 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.G.Mutharasu

For Respondents : Mr.G.Janakiraman

ORDER

This writ petition has been filed challenging the order passed by the second respondent canceling the petitioner's work order and also imposing penalty of Rs.25,000/- on the petitioner.

2.The petitioner is running a water tank service. Earlier the second respondent has called for tender for transporting distribution of water to allotted locations. The petitioner participated in the tender and he was declared as a successful bidder. Subsequently, work order has also been issued to the petitioner on 09.06.2017. Thereafter, the petitioner continued to supply water as per the directions of the respondents and he is also having a unblemished service from the date of allotment. On

02.08.2018, all of a sudden, the second respondent stopped the petitioner from supplying water. When he approached the Grievance Redressal Section, he was informed that the fourth respondent has already canceled the work order on the ground that, the petitioner sold the water for commercial purpose and also to non-booking consumers at higher rate and the second respondent has also imposed penalty of Rs.25,000/-. Challenging the above, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the impugned order has been passed without issuing any notice and also without conducting any enquiry, based on an anonymous complaint, the second respondent canceled the work order and imposed the penalty. Since the order has been passed in violation of natural justice, the impugned order has to be set aside.

4. Per contra, learned counsel for the respondents submits that the second respondent has received various complaints from the consumers and that the petitioner has unauthorizedly sold the water for commercial purpose and non- booking consumers at higher rate, based on the said

complaints, verification also conducted by the second respondent and found that the petitioner has violated the condition. Hence, as per the terms and conditions, the work order has been canceled.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. From the perusal of the impugned order, it could be seen that the second respondent has passed the order cancelling the work order and also imposed penalty without issuing any notice to the petitioner and also without conducting any enquiry, only based on some complaints received from the consumers. If at all any complaint was received against the petitioner, the second respondent is expected to issue notice to petitioner seeking for explanation and after conducting enquiry, he can pass any orders. In the instant case, without issuing any notice and without conducting any enquiry, the second respondent not only cancelled the work order, but also imposed a penalty of Rs.25,000/- in total violation of principles of natural justice, on that ground alone the impugned order is liable to be set aside.

7. In such circumstances, the impugned order is set aside and the matter is remanded to the second respondent. The second respondent is directed to issue notice to the petitioner asking for explanation, thereafter, he is directed to conduct an enquiry and pass orders after giving reasonable opportunity to the petitioner.

8. With the above directions, the Writ Petition is allowed. No costs. Consequently the connected Miscellaneous Petitions are closed.

10.10.2018

Index:Yes/No
Internet:Yes
Speaking Order/Non Speaking Order
mrp/mbi

To

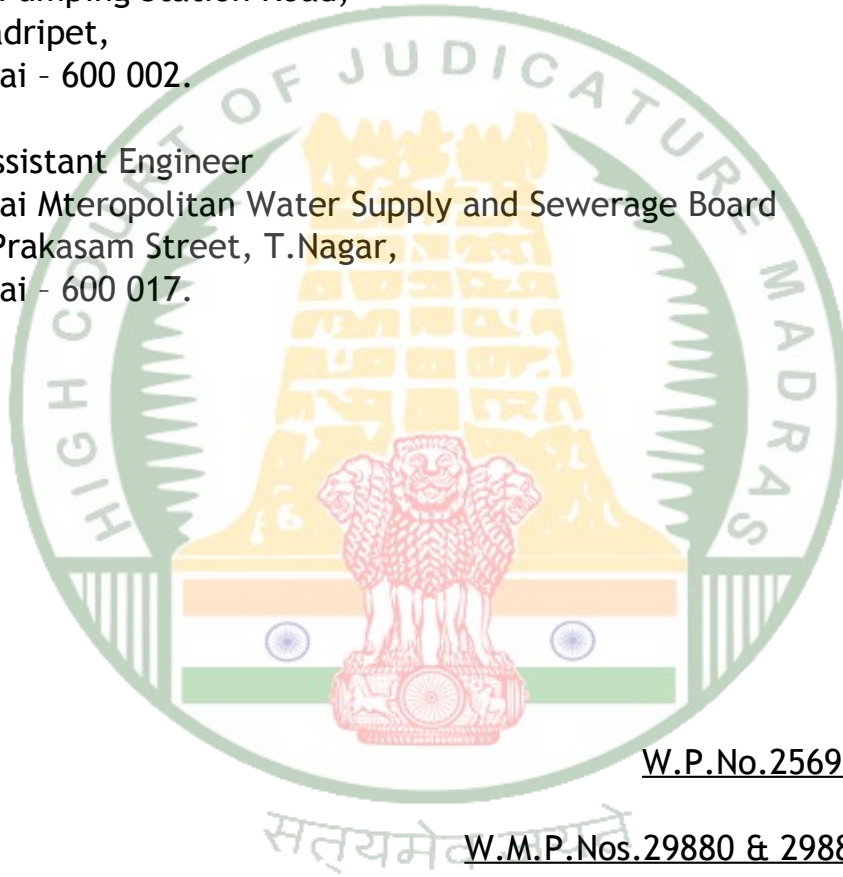
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V.BHARATHIDASAN,J.

mrp/mbi

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