

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.25706 of 2018

and

W.M.P.Nos.29901 & 29902 of 2018

S.Murugan

... 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 Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

3.The Chief Engineer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

4.The Assistant Engineer,
Chennai Metropolitan 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 a Writ of Certiorari calling for the records pertaining to the Impugned Letter in CMWSSB/PUR/Water Lorry /9KL/W.O.No.345/2017-20/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

O R D E R

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 and 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/-. Now, 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 that the petitioner has unauthorizedly sold the water for commercial purpose and to 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. On a 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 has been 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 principle of natural justice and 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 and thereafter, he is directed to conduct enquiry and pass orders after giving reasonable opportunity to the petitioner.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrp/mbi

To

- 1.The Managing Director,
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Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Prakasam Street, T-Nagar,
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+1cc to Mr.G.Mutharasu, Advocate, S.R.No.70241

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SS (CO)
GSP (29/11/2018)