



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3408 of 2014

&

MP(MD)No.2 of 2014

I.Vadivelrajan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Block Development Officer (VP),
Kovilpatti Panchayat Union,
Kovilpatti, Thoothukudi District.

3.The President,
Ayyakkottaiyur Panchayat,
Ayyakkottaiyur, Ettaiyapuram Taluk,
Thoothukudi District.

4.K.Panneerselvam,
President, Ayyakottaiyur Panchayat,
Ayyakkottaiyur, Ettaiyapuram Taluk,
Thoothukudi District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in connection with the impugned order of dismissal from service passed by him in his proceedings No.Nil dated 19.11.2013 and quash the same as illegal, arbitrary and unjustifiable and consequently direct the third respondent to reinstate the petitioner in the post of Over Head Tank Operator with all backwages within the time limit that may be stipulated by this Hon'ble Court.

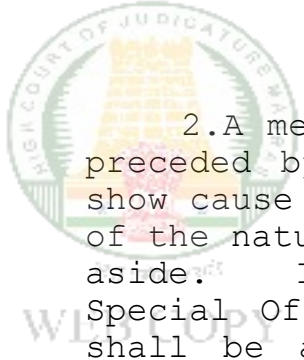
For Petitioner

: Mr.G.Thalaimutharasu

For respondents

: Mr.J.Gunaseelan Muthaiah,
Additional Govt., Pleader**O R D E R**

<https://hcservices.eCourts.gov.in/hcservices>
The petitioner was appointed as a Over Head Tank Operator by the third respondent panchayat on 27.05.2010. By the impugned order dated 19.11.2013, he was terminated from service.



2.A mere look at the impugned order would show that it was not preceded by any issuance of charge memo or holding of enquiry or show cause notice. There is a complete violation of the principles of the natural justice. The impugned order is therefore set aside. It is submitted that at present the panchayat is headed by Special Officer/the Block Development Officer. Therefore, there shall be a direction to the second respondent to reinstate the petitioner in service forthwith. The writ petitioner is entitled to 50% of the backwages.

3.This writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Thoothukudi District, Thoothukudi.
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President,
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Ayakkottaiyur, Ettaiyapuram Taluk,
Thoothukudi District.

+1cc to M/S.G.THALAIMUTHARASU, Advocate SR.No.43471.
+1cc to Special Government Pleader in SR.No.43993.

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