



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No.3758 of 2014

T.Moommurthy

... Petitioner

Vs.

1. The State Rep.by
The District Collector,
Tirunelveli, Tirunelveli District.

2. The Block Development Officer,
Kadayam Union, Kadayam,
Tirunelveli District.

3. The Panchayat President,
Ravanasamudaram Panchayat,
Ambasamudaram Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the proceedings of the third respondent and quashing the termination order dated 19.02.2013 of the third respondent and directing the third respondent to pay the back wages of the petitioner from 12.05.2012 till the date of reinstatement of the petitioner.

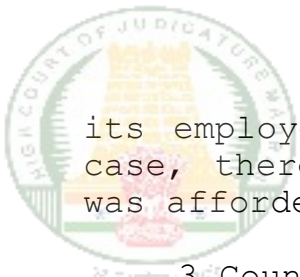
For Petitioner : Mr.P.Bhaskar

For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader

ORDER

The petitioner was employed as a Over Head Tank Operator in the third respondent panchayat. He was terminated from service by the impugned order dated 19.02.2013 by the President of the Panchayat Board by placing reliance on the resolution passed by the Panchayat. A Panchayat employee cannot be summarily terminated in this fashion. He must be put on notice and only after holding an enquiry, he can be terminated from service.

<https://hcservices.ecourts.gov.in/hcservices> 2. The learned counsel appearing for the writ petitioner drew the attention of this Court to a letter dated 25.11.2001 issued by the Government calling upon the panchayats to take action against



its employees only after affording them due opportunity. In this case, there is nothing on record to show that the writ petitioner was afforded such an opportunity.

3. Counter affidavit has been filed on the part of the third respondent. They have not filed any typed set of papers. The third respondent has not substantiated the stand taken in the counter affidavit that notice was given to the writ petitioner and that the writ petitioner failed to reply. In any event, the order impugned in the writ petition does not satisfy the parameters of natural justice. The writ petitioner has been thrown out on the basis of the resolution passed by the Panchayat.

4. Therefore, the order impugned in the writ petition is quashed. The writ petition is allowed. The third respondent is directed to reinstate the petitioner in service forthwith. The writ petitioner will be entitled to 25% of the backwages. The backwages payable to the writ petitioner shall be disbursed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Block Development Officer,
Kadayam Union, Kadayam,
Tirunelveli District.
3. The Panchayat President,
Ravanasamudaram Panchayat,
Ambasamudaram Taluk,
Tirunelveli District.

+ 1 CC TO Mr.P.BHASKAR, ADVOCATE IN SR No. 43387

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 43065

SKM

TE/SV-MMS/SAR-3 : 08/03/2018 : 2P/6C