



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.NO.9821 OF 2010

A.Sampath Kumar

... Petitioner

Vs

The Belur Karadipatti Panchayat
Rep. by its President-cum-Executive Officer,
Belur Karadipatti,
(Via) Valapadi - 636 115
Salem District.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ, Order or Direction more in the nature of a Writ of Certiorarified Mandamus by calling for the records dated 25.02.2010 made in Na.Ka.No. /1/2010-on the file of the respondent herein-quash the same, and consequently direct the respondent herein to reinstate the petitioner with all salary benefits.

For Petitioner : Mr.K.Ponmani for Mr.V.Rajesh

For Respondent : Ms.Meera Arumugam

O R D E R

The instant petition is one for writ of Certiorari calling for records dated 25/02/2010 on the file of the first respondent made in Na.Ka.No.1/2010 and quash the same and further direct the respondent to reinstate the petitioner.

2. The petitioner was working as an Office Assistant in the Belur Karadipatti Panchayat. The petitioner states that since the Panchayat President was enmical to him, he was suspended from service by an order dated 11.01.2008. The suspension order was revoked. Thereafter, the petitioner was once again suspended on 21.11.2008 and it was revoked by an order dated 16.04.2009 passed by the District Collector. The petitioner received a show cause notice on 11.12.2009 as to why he should not be dismissed from service. The petitioner sent his reply on 29.12.2009.



3. The petitioner was dismissed from service by the impugned order dated 25.02.2010. The petitioner has challenged the impugned order stating that the said order has been passed in gross violation of principle of natural Justice.

4. No counter has been filed by the respondent.

5. Heard the Counsel for the parties.

6. The material record shows that apart from the show cause notice dated 11.12.2009 for which, reply has been given by the petitioner on 29.12.2009, no enquiry has been conducted and the petitioner has been dismissed from service by passing the impugned order. The petitioner has not been given any opportunity to defend his case. Calling for an explanation alone and passing an order of dismissal without any proper enquiry, is against principle of natural justice. The order dismissing the petitioner, cannot be sustained.

7. Even though, the petitioner has given a representation to the District Collector on 29.03.2010, this would not preclude this Court while exercising its jurisdiction under Article 226 of the Constitution of India to set aside the order of termination which has been passed in violation of principle of natural justice.

8. Accordingly, the Writ Petition is allowed and the impugned order is set aside. The respondent is directed to conduct an enquiry by giving reasonable opportunity to the petitioner to defend his case and then pass orders. The petitioner however would not be entitled to any back wages. No cost.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



To

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The President-cum-Executive Officer,
Belur Karadipatti Panchayat
Belur Karadipatti,
(Via) Valapadi - 636 115
Salem District.

+1cc to M/s.A.Arumugam, Advocate Sr.80595

W.P.No.9821 of 2010

kj[co]
srg 09/01/2020