



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.13735 of 2012

and

M.P. (MD) No.1 of 2012

P.Thangadurai

... Petitioner

vs.

The Executive Officer
Nilakottai Town Panchayat
Dindugal District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records relating to the impugned order passed by the Respondent in Na.Ka.No. 954/1/2012/Tha.A dated 26.09.2012 and quash the same and consequently direct the Respondent to restore the petitioner in the post for Sanitary Supervisor with all consequential and attendant benefits.

For Petitioner : Mr.F.Deepak

For Respondent : Mr.D.Muruganandham

Additional Government Pleader

O R D E R

The order of reversion, dated 26.09.2012, passed by the respondent, is sought to be quashed in the present writ petition.

2. The learned counsel for the writ petitioner states that the writ petitioner was appointed as Head Works Watchman during the year 1994 in Ottanchaithram Town Panchayat, on compassionate grounds. The writ petitioner was promoted to the post of Sanitary Supervisor based on the resolution passed by the Appointment Committee. Accordingly, the writ petitioner was promoted from the post of Head Works Watchman to the post of Sanitary Supervisor. The writ petitioner had joined in the promoted post. While so, the impugned order of reversion was passed reverting the writ petitioner from the post of Sanitary Supervisor to the post of Head Works Watchman.



3. The learned counsel for the writ petitioner made a submission that the reversion order was passed without issuing any show-cause notice and opportunity to the writ petitioner and therefore, the impugned order is in violation of the principles of natural justice.

4. The learned Additional Government Pleader appearing for the respondent is unable to establish that a show-cause notice was issued to the writ petitioner before passing the impugned order of reversion. However, the learned Additional Government Pleader states that the promotion was granted in violation of the promotion rules in force and therefore, the authority competent issued the order of reversion and there is no infirmity as such in the impugned order of reversion.

5. Even in case, where the orders of reversion were issued on the ground that the promotion granted was irregular and in violation of the promotion rules in force, an opportunity is to be provided to the employees, who are likely to be affected on account of such reversion. Any order affecting the service conditions of the employees must be passed only after providing an opportunity and after getting their explanations / objections. Thus, this Court is of the considered opinion that the case of the writ petitioner is to be remanded for the purpose of reconsideration by the competent authority.

6. Accordingly,

- (i) The writ petition stands allowed.
- (ii) The impugned order 26.09.2012, passed by the respondent, is quashed and the matter is remanded back to the respondent for reconsideration.
- (iii) The respondent is directed to issue a show-cause notice to the writ petitioner, within a period of four weeks from the date of receipt of a copy of this order.
- (iv) On receipt of the show-cause, the writ petitioner is directed to submit his explanations / objections and the documents, if any, to the respondent, within a period of three weeks from the date of receipt of the show-cause notice.
- (v) On receipt of the explanations / objections from the writ petitioner, the respondent is directed to consider the same, take a decision and pass orders on merits and in accordance with law, within a period of six weeks



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(vi) No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To:
The Executive Officer,
Nilakottai Town Panchayat,
Dindugal District.

+1 CC to Mr.F.DEEPAK, Advocate SR-79596.
+1 CC to SPL GP SR-79779.

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and
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