



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.5328 & 5329 of 2014

and

M.P. (MD) No.1 of 2014 (in both W.Ps.)

I.Boominathan ... Petitioner in W.P.(MD) No.5328 / 2014

K.Veeraputhiran ... Petitioner in W.P.(MD) No.5329 / 2014

vs.

1.The Chief Executive Officer / Registrar
Tamilnadu Khadi and Village Industries Board
Kuralagam, Chennai-108

2.The Chief Executive Officer / Ex-Officio
Tamilnadu Palm Products Development Board
Kuralagam, Chennai-600 108

3.The Managing Director / Special Officer
Madurai
Virudhunagar and Dindigul District
Palmirah Jaggery Marketing
Cooperation Federation Limited
149, Kamarajar Salai
Madurai-625 009

... Respondents in both W.Ps.

PRAYER (in both W.Ps) : Writ petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the order of reversion issued by the 2nd respondent in his proceedings in Na.Ka.No.1122/Pa Vaa 1/2013 dated 05.03.2014 and quash the same and consequently direct the respondents to continue the petitioner in the post of Junior Assistant.

For Petitioner : Mr.P.Mahendran
(in both W.Ps.)

For Respondents : No appearance for R1
(in both W.Ps.) Mr.G.Karnan for R2 & R3

**COMMON ORDER**

The writ petitioners in both writ petitions were reverted from the posts of Superintendent and Junior Assistant to the posts of Senior Assistant and Sales Assistant respectively, vide proceedings dated 05.03.2014, passed by the second respondent. The said orders of reversion are under challenge in the present writ petitions.

2. The impugned orders state that certain promotions were granted in violation of the promotion rules in force and in view of the fact that the promotion rules were not followed at the time of granting promotion to the writ petitioners, the authorities competent issued the impugned orders of reversion.

3. The learned counsel for the writ petitioners states that the impugned orders of reversion were passed without issuing any show-cause notice or opportunity to the writ petitioners.

4. The learned counsel for the respondents 2 and 3 is unable to establish that any such opportunity was given to the writ petitioners.

5. This Court is of the considered opinion that any order affecting the service rights or conditions of an employee cannot be passed without providing an opportunity to such employee. This being the basic principle to be followed, this Court is of the opinion that the present writ petitions are fit for remand.

6. Accordingly, the writ petitions are allowed. The impugned orders passed by the second respondent, in proceedings, Na.Ka.No.1122/Pa Vaa 1/2013, dated 05.03.2014, are quashed. The respondents are directed to issue a show-cause notice to the writ petitioners setting out the facts and details, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the show-cause notice, the writ petitioners are directed to submit their explanations / objections to the respondents, within a period of three weeks from the date of receipt of the show-cause notice. Thereafter, the authorities competent are at liberty to consider the case of the writ petitioners on merits and in accordance with law and pass final orders as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

/ True Copy /



+3 CC to M/s.P.MAHENDRAN, Advocate (SR-73749[F] dated 05/07/2019)
+2 CC to M/s.G.KARNAN, Advocate (SR-73723,73724[F] dated 05/07/2019)

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