



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 24817 of 2018

and

W.M.P. (MD) No. 22503 of 2018

P. Maharajothi

... Petitioner

Vs

1. The District Collector,
Karur District,
Karur - 639 007,

2. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
Dugar Towers,
No. 34 (123), 6th Floor,
Marshalls Road,
Egmore,
Chennai - 600 008.

3. The Special Tahsidhar,
Tamil Nadu Arasu Cable TV,
Karur,
Karur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari mandamus calling for the records relating to the impugned order dated 19.03.2018 in Se. order. No. B11/1489/2014 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent to conduct a fresh enquiry based on the order of this Court in W.A. (MD) No. 398 of 2013.

For Petitioner : Mr. B. Prasanna Vinoth
For R3 : Mr. K. S. Prakash
for S. Gunasekaran

ORDER

The writ petitioner was appointed as Multi System Operator (MSO) by Tamil Nadu Arasu Cable TV Corporation Limited. He was removed from the said position by the Special Tahsildar, Tamil Nadu Arasu Cable TV Corporation, on 21.03.2012. The petitioner questioned the same by filing W.P. (MD) No. 809 of 2012. But the writ petition was dismissed on 08.01.2013. Challenging the same, the writ petitioner filed W.A. (MD) No. 398 of 2013. The Hon'ble Division Bench by order dated 11.09.2017 allowed the writ petitioner's appeal and set aside the order passed by the learned Single Judge. The matter was remitted to the file of the second respondent herein.

The Hon'ble Division Bench passed the following order:

"9. The learned counsel for the respondent would submit that subsequently a Multi System Operator (MSO) has been appointed, who has taken charge. We are of the view that in view of the subsequent development, the appellant may not be entitled to continue as a Multi System Operator (MSO). However, the impugned order cannot be sustained.

10. In the light of the above, we direct the first respondent to issue notice to the appellant within a period of four weeks from the date of receipt of a copy of this order. The appellant is at liberty to give a reply to the said notice, within a period of two weeks, thereafter. The first respondent shall take a decision by also considering the issue of handing over the equipment in favour of the appellant in the light of the order passed. Necessary orders will be passed within a period of four weeks after receiving the reply. Depending upon the order to be passed by the first respondent, the appellant can work out his remedy before the Civil Court for appropriate relief, including one for damages."

2. Following the order of remand passed by the Hon'ble Division Bench, the second respondent herein issued a notice dated 13.02.2018. The writ petitioner in response thereto submitted a detailed explanation dated 02.03.2018. In the said explanation, the writ petitioner claimed damages for the loss suffered by him. He also wanted action to be taken against the erring officials particularly one Mr. Jeyamoorthy. The Managing Director of Arasu Cable TV Corporation Limited by the impugned order dated 19.03.2018 rejected the petitioner's request on the ground that the petitioner's equipment were not seized as claimed by him. This order is under challenge in this writ petition.

3. I am of the view that not only the writ petitioner but the first respondent also totally misdirected themselves. The scope of remand was very clear. The only issue that the Managing Director of Arasu Cable TV Corporation was called upon to decide was, whether the removal of the writ petitioner as MSO was liable to be set aside; whether his position as MSO can be restored or not? This point was not at all canvassed by the writ petitioner nor decided by the first respondent. Both are wrong.

4. Therefore, the order impugned in this writ petition is once again set aside and the first respondent is directed to take a decision as to whether the writ petitioner was illegally removed as MSO and whether his earlier designation as MSO has to be restored or not? The second respondent herein shall pass orders in this regard, within a period of six weeks from the date of receipt of a copy of this order.



5.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-)

TO

- 1.The District Collector,
Karur District,
Karur - 639 007,
- 2.The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd.,
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No.34(123), 6th Floor,
Marshalls Road,
Egmore,
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- 3.The Special Tahsidhar,
Tamil Nadu Arasu Cable TV,
Karur,
Karur District.

+1cc to Mr.B.Prasanna Vinoth,Advocate, SR.No.57508
+2cc to Mr.S.Gunasekaran, Advocate, SR.No.57066
+1cc to Special Government Pleader, SR.No.57362

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and
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SP/12.04.2019/ 3P/8C