



WEB COPY

W.P.(MD)No.5120/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5120 of 2014

and

M.P. (MD) No.1 of 2014

M.Jeyakodi

... Petitioner

-Vs-

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

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

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

... Respondents

**PRAYER:** 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 revision issued by the second 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.

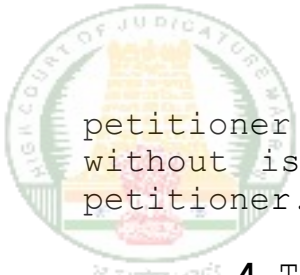
For Petitioner : Mr.P.Mahendran  
For R1 : Mr.D.Muruganantham,  
Additional Government Pleader.  
For R2 and R3 : Mr.G.Karnan

### **ORDER**

The writ petitioner was reverted from the post of Junior Assistant to the post of Sales Assistant, vide proceedings dated 05.03.2014, passed by the second respondent. The said order of reversion is under challenge in the present Writ Petitions.

2.The impugned order states 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 petitioner, the authorities competent issued the impugned order of reversion.

3.The learned counsel appearing on behalf of the writ



petitioner states that the impugned order of reversion was passed without issuing any show-cause notice or opportunity to the writ petitioner.

4. The learned counsel appearing on behalf of the respondents 2 and 3 is unable to establish that any such opportunity was given to the writ petitioner.

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 Petition is fit for remand.

6. Accordingly, the Writ Petition is allowed. The impugned order passed by the second respondent, in proceedings, Na.Ka.No.1122/Pa Vaa 1/2013, dated 05.03.2014 is quashed. The respondents are directed to issue a show-cause notice to the writ petitioner, 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 petitioner is directed to submit his 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 petitioner on merits and in accordance with law and pass final orders as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

Myr  
To  
The Chief Executive Officer / Registrar,  
Tamil Nadu Khadi and Village Industries Board,  
Kuralagam, Chennai-108.

+1 CC to M/s.SPL GP ( SR-82446[F] dated 20/08/2019 )

+1 CC to M/s.P. MAHENDRAN, Advocate ( SR-82533[F] dated 20/08/2019 )

+1 CC to M/s.G.KARNAN, Advocate ( SR-82563[F] dated 20/08/2019 )

**W.P. (MD)No.5120 of 2014**

\_KK/SAR/30.08.2019/2P-5C/