

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO.22011 OF 2019

ORDER:

The present Writ Petition is filed by the petitioners herein being aggrieved by the order dated 17.09.2019 passed by the first respondent.

It is the grievance of the petitioner that when, on an earlier occasion, the show cause notice dated 27.06.2019 resulted in passing of the order dated 04.07.2019, the petitioner approached this Court by way of WP.No.14309 of 2019 wherein this Court, by order dated 22.07.2019, was pleased to suspend the operation of the same while permitting the competent authority from taking necessary action.

Subsequent to the order of this Court suspending the order dated 04.07.2019 passed by the fourth respondent, it appears that the first respondent once again has passed the impugned order without issuing a show cause notice afresh and merely on the basis of the earlier show cause notice, which resulted in passing of the order dated 04.07.2019 which is the subject matter of WP.No.14309 of 2019.

Inasmuch as no fresh show cause notice was issued by the first respondent, he passed the impugned order by only observing that it is in the nature of modification which, in the opinion of this Court, is not permitted by virtue of the orders of this Court in WP.No.14309 of 2019. The first respondent-authority ought to have issued a fresh notice before passing the impugned order.

In view of the above and having regard to the facts of the case, this Court is of the view that the impugned order dated

17.09.2019 is itself hit by violation of principles of natural justice and accordingly, the same is liable to be set aside. However, considering that no notice is issued before passing the impugned order, this Court is of the view that impugned order dated 17.09.2019 shall be treated as show cause notice issued by the first respondent to the petitioners and the petitioners are permitted to file their objections within fifteen (15) days from the date of receipt of a copy of this order and upon the petitioners furnishing/filing such objections, the same shall be considered by the first respondent-authority and dispose of the same in accordance with law, after affording the petitioners an opportunity of being heard.

Accordingly, the Writ Petition is disposed of.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(T.VINOD KUMAR, J)

1st October 2019
RRB