



WEB COPY

W.P.(MD).No.8374 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.8374 of 2020

and

W.M.P. (MD) .No.7784 of 2020

Kamaraj

...Petitioner

Vs.

1.The Executive Engineer,
Water Resource Organisation,
Public Works Department,
Upper Vaipar River Basin,
Rajapalayam, Virudhunagar District.

2.The Assistant Engineer,
Public Works Department,
Water Resource Organisation,
Irrigation Section II, Rajapalayam,
Virudhunagar District.

3.The Assistant Engineer,
Public Works Department,
Water Resource Organisation,
Seithur Division, Seithur,
Rajapalayam Taluk,
Virudhunagar District.

4.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Virudhunagar Division, Virudhunagar District.

: Respondents

(R4 is suo motu impleaded vide Court order dated
31.07.2020 in W.P.(MD).No.8374 of 2020)

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the first respondent in his proceedings in Ka.T1/K13/2020 dated 08.07.2020 and quash the same as illegal, arbitrary and violation of Principles of Natural Justice.

For Petitioner : Mr.M.Jothibas

For R-1 to R-3 : Mrs.S.Srimathy
Special Government Pleader

For R-4 : Mr.J.Senthil Kumariah
Standing Counsel



ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Standing counsel appearing for the fourth respondent / Corporation.

2. The petitioner had participated in the fisheries auction conducted by the Public Works Department for Vandayarkulam Tank in Kovilur Village. The petitioner was the highest bidder and he was issued with a confirmation order for the three fasli years, namely, 1428, 1429 and 1430. Two years have already got concluded. The license is in the third year. At this stage, a complaint was received that the petitioner being an employee of the fourth respondent-Corporation could not have taken part in the auction. Taking note of the same, the impugned order dated 08.07.2020 has been passed cancelling the license itself. The Demand Draft given by the petitioner for the third year has also been returned. Questioning the same, this writ petition came to to be filed.

3. The petitioner did not initially implead the employer. This Court directed the petitioner to implead the employer also. Today, the learned Standing Counsel for the employer submitted that the act committed by the petitioner amounts to misconduct. The petitioner's counsel thereupon submitted that the petitioner would apply for voluntary retirement within a period of a few weeks.

4. I am of the view that the Licensing Authority need not take cognizance of the misconduct committed by the petitioner herein in respect of his employment. As far as the licensor is concerned, he cannot have any grievance. The petitioner had remitted the license fee for two years and he is ready to pay the license fee for the third year also. Therefore, the order impugned in the Writ Petition stands quashed and the Writ Petition is allowed. As regards the misconduct committed by the petitioner, it is a matter between the petitioner and his employer. I directed the petitioner to implead the employer, so that, the employer can be made aware of the petitioner's conduct. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

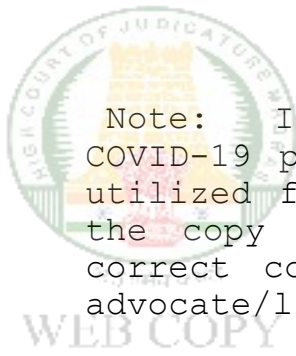
Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Executive Engineer,
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Upper Vaipar River Basin,
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2. The Assistant Engineer,
Public Works Department,
Water Resource Organisation,
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4. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Virudhunagar Division, Virudhunagar District.

+1 CC to Mr.M.JOTHI BASU, Advocate SR-15002.

+1 CC to the SPL GP (SR-15020[F] dated 26/08/2020)

ORDER MADE IN
W.P. (MD) .No.8374 of 2020
25.08.2020

CS (08.09.2020) 3P 7C