



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.24970 of 2021

and

WMP No.26288, 26289 of 2021

K.Saravanan

...Petitioner

Vs.

1. The District Collector,
Namakkal District, Namakkal.
2. The Assistant Director, Rural Development,
(Panchayats/Audit), Namakkal District,
Namakkal.
3. The Block Development Officer, (Village Panchayat),
Mallasamudriram Panchayat Union,
Mallasamudriram ,
Namakkal District.

...Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a Writ of Certiorari Mandamus to call for the records relating to the impugned order of the third respondent dated 24.09.2021 made in Na.Ka.No.1874/2020/Thil and to quash the same, consequently reinstate the petitioner in service with all monetary benefits and to pass orders.

For petitioner : Mr.C.Prabakaran

For respondents : Mr.V.Manoharan, Addl.Govt. Pleader
for R1and R2

ORDER

This writ petition has been filed to quash the proceedings issued by the second respondent in Pa.Mu.No.12675/A1/2003 dated nil.05.2012 and consequently reinstate the petitioner in service with all monetary benefits.



2. The petitioner was appointed as Secretary in Mallasamudriram Panchyat Union and he had been discharging his service without any blemish of records for the past 15 years. Thereafter, he was transferred to Senbagama Devi Village Panchayat, Namakkal District, where, he served from 11.03.2021. On 24.09.2021, the respondent issued order, relieving the petitioner from service, citing some irregularities on the part of the petitioner in his service. According to the petitioner, without following the mandatory procedures of issuing notice and conduct enquiry, the impugned order has been passed. Hence, the same is liable to be quashed and direction may be given to the respondents to reinstate the petitioner in service with all monetary benefits.

3. The learned counsel for the petitioner submitted that the third respondent has not issued any show cause notice to the petitioner, before issuing the impugned order. If the respondents received any complaint against the petitioner, they have to issue show cause notice to him, asking explanation. Therefore, in violation of Principles of natural justice, the impugned order has been issued.

4. He further submitted that, the petitioner has submitted his detailed representation dated 12.10.2021 before the first and third respondents narrating all the facts, however, it was not considered by them. Hence, he prayed that appropriate order may be issued to consider his representation.

5. Heard the rival submissions made by the learned counsel for both sides and perused the orders.

6. Though the petitioner has raised several grounds in the writ petition and sought for quashing the impugned order, at the time of argument, the learned counsel for the petitioner submitted that the representation dated 12.10.2021 given by the petitioner is still pending before the respondents and hence appropriate direction may be issued to the respondents to consider the petitioner's representation dated 12.10.2021.

7. The learned Additional Government Pleader has submitted that the representation given by the petitioner would be considered by the authority concerned, in accordance with law and has given consent to dispose the writ petition,

8. Accordingly, by consent of both the counsels, it is ordered as follows:

The first respondent is directed to consider the representation of the petitioner dated 12.10.2021 on its own merits, in accordance with law, as early as



possible, within a period of six weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. Consequently, connected writ miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mst

To

1. The District Collector,
Namakkal District, Namakkal.
2. The Assistant Director, Rural Development,
(Panchayats/Audit), Namakkal District,
Namakkal.
3. The Block Development Officer, (Village Panchayat),
Mallasamudriram Panchayat Union,
Mallasamudriram , Namakkal District.

+lcc to Mr.C.Prabakaran, Advocate, S.R.No.60879

+lcc to the Government Pleader, S.R.No.60696

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NRL[co]
NSK 03/12/2021