



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.1941 OF 2022

AND

W.M.P.NO.2099 OF 2022

K.Raja

... Petitioner

vs.

1. State of Tamil Nadu
Represented by the Secretary to Government
Rural Development and Panchayat Raj Department
Fort St.George, Chennai - 600 009.
2. The District Collector
***Tirupattur District**
Tirupattur - 635 601.
3. The District Collector,
Vellore District
Vellore - 632 009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second and third respondents relating to the order of the second respondent bearing No. Na. Ka. Pa. A4/304/2021 dated 24.12.2021 terminating the petitioner from service and quash the same in so far as the petitioner is concerned and consequently direct the second respondent to forthwith reinstate the petitioner in service with continuity of service, full backwages and all consequent and attendant benefits.

For Petitioner : M/s.Ramapriya Gopalakrishnan

For Respondents : Mr.V.Manoharan
Additional Government Pleader



O R D E R

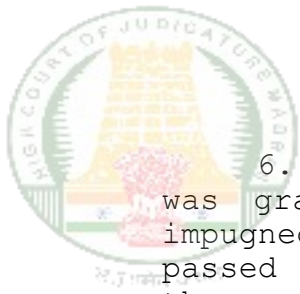
This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd and 3rd respondents relating to the order of the 2nd respondent bearing No. Na. Ka. Pa. A4/304/2021 dated 24.12.2021 terminating the petitioner from service and quash the same in so far as the petitioner is concerned and consequently, direct the 2nd respondent to forthwith reinstate the petitioner in service with continuity of service, full backwages and all consequent and attendant benefits.

2. The petitioner was appointed as a NMR worker in the Kaveripakkam Panchayat Union and he was served in the said Panchayat for more than 20 years. Pursuant to the Government Order in G.O. (Ms.) No. 69, Rural Development and Panchayat Raj (E-5) Department, dated 06.08.2012, the petitioner was appointed as a Record Clerk and he had been working as a Record Clerk in the Kandini Panchayat Union, Tirupattur District. Thereafter, petitioner was directed to produce the relevant records for ratification of his date of entry in the service as 01.07.2001 instead of 01.02.1997. The subsequent seniority lists dated 10.03.2020 and 13.01.2021 reflected the appointment of the petitioner was in order. Therefore, it was recommended that the petitioner's service to be regularized. But the 2nd respondent has terminated his service by passing the impugned order dated 24.12.2021. Challenging the said order, he filed the instant writ petition before this Court.

3. The learned counsel appearing for the petitioner would submit that the 2nd respondent neither without providing an opportunity nor was any explanation sought from the petitioner prior to his termination from service. According to the petitioner he is served more than 20 years. Thereafter, the petitioner was removed from service is highly arbitrary, unjust and unfair. Therefore, he prays that the impugned order liable to be quashed.

4. The learned Additional Government Pleader appearing for the respondents would submit that notice has been ordered, but no counter affidavit has been filed. But on perusal of the impugned order dated 24.12.2021 passed by the 2nd respondent, he would submit that the petitioner's appointment was terminated on the ground that he has been contravention of the said Government Order, therefore, he was removed from service.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



6. On perusal of the impugned order, there is no opportunity was granted to the petitioner prior to the passing of the impugned order dated 24.12.2021. If any such adverse order passed by the 2nd respondent certainly, ought to have followed the principles of natural justice and to pass appropriate orders. Therefore, on the short ground, this Court has inclined to interfere with the said impugned order. It is made clear that whether the petitioner is entitled for the benefit of the said Government Order, will be decided only by the authority concerned. Therefore, this Court will not express any opinion on the merits of the case.

7. In view of the aforesaid facts and circumstances of the case, this Court is inclined to pass the orders as follows:-

(i) The impugned order dated 24.12.2021 in Na. Ka. Pa. A4/304/2021 passed by the 2nd respondent, is quashed.

(ii) The 2nd respondent is directed to consider the matter afresh and pass final orders as expeditiously as possible, after providing opportunity to the petitioner by serving notice to the petitioner for appearing for the enquiry.

8. With the above direction, the writ petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-IV)

***corrected as per order of
this Court dated 26.04.2022
and made in WP.1941 of 2022**

-s/d-

**Assistant Registrar(CS IV)
dt 28/04.2022**

//True Copy//

Sub Assistant Registrar

To
1.The Secretary to Government
Rural Development and Panchayat
Raj Department
Fort St.George, Chennai - 600 009.

to be substituted the order
already despatched on **11.04.2022**



2. The District Collector
***Tirupattur District**
Tirupattur - 635 601.

3. The District Collector,
Vellore District, Vellore - 632 009.

+2ccs to M/s.Ramapriya Gopalakrishnan, Advocate, S.R.No.18035
+1cc to the Government Pleader, S.R.No.18599

W.P.No.1941 of 2022

MG(CO)
RLP(04/04/2022)
A.SK(28/04/2022)