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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 2528 of 2022
and
W.M.P.No.2664 of 2022

M. Meganathan .. Petitioner
Vs.

1.State of Tamil Nadu
Represented by the Secretary to Government,
Rural Development and Panchayat Raj Department
Fort St. George, Chennai- 600009.

2.The District Collector,
Tirupattur District,
Tirupattur 635601

3.The District Collector,
Vellore District,
Vellore 632009.

.. Respondents

Prayer: Writ petition 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 respondent 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 back wages and all consequent and attendant benefits.

For Petitioner :M/s.Ramapriya Gopalakrishnan

For Respondents: Mr.A.M. Ayyadurai, GA

ORDER

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 back wages and all consequent and attendant benefits.

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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 Alangayam 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 28.01.1997. 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, the petitioner has filed the instant writ petition before this Court.

3. The learned counsel appearing for the petitioner would submit that the 2nd respondent neither provide an opportunity nor sought for explanation from the petitioner prior to his termination from service. According to the learned counsel for the petitioner. The petitioner has served more than 20 years, therefore, the removal of petitioner from service is highly arbitrary, unjust and unfair. Hence, he prays to quash the impugned order

4. Though notice served on the respondents, no counter affidavit has been filed on their behalf. On perusal of the impugned order dated 24.12.2021 passed by the 2nd respondent, it is stated that the since the petitioner has been serving without fulfilling the qualification as specified in the Government Order, he is removed from the service .

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

6. On perusal of the impugned order, it is clear that no opportunity was granted to the petitioner prior to the passing of impugned order dated 24.12.2021. If the 2nd respondent is inclined to pass any adverse order, the 2nd respondent ought to have follow the principles of natural justice and to pass appropriate orders. Therefore, on this short ground, this Court is inclined to interfere with the impugned order passed by the respondent. It is made clear that whether the petitioner is



entitled for the benefit of the said Government Order or not, will be decided only by the authorities concerned, therefore, this Court will not express any opinion on the merits of the case.

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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 for the enquiry.

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

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Rural Development and Panchayat Raj Department
Fort St. George, Chennai- 600009.

2. The District Collector,
Tirupattur District,
Tirupattur 635601

3. The District Collector,
Vellore District,
Vellore 632009

+2cc to Mr. Ramapriya Gopalakrishnan, Advocate, S.R.No.25880
+1cc to the Government Pleader, S.R.No.26159

W.P.No. 2528 of 2022
and
W.M.P.No.2664 of 2022

BR (CO)
SB (30/05/2022)