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W.P.No.14109 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.12.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.No.14109 of 2022
and
W.M.P.No.13338 of 2022

Mallappa

.. Petitioner

Vs

1.The District Collector
Namakkal District,
Namakkal.

2.The Commissioner,
Panchayat Union,
Sendamangalam,
Namakkal District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the entire records relating to the order dated 17.05.2022 passed by the first respondent in his proceedings Na.Ka.No.Ni.3/1659/2022 and the consequential order of the second respondent dated 17.05.2022 in Na.Ka.No.1552/2022/A1 and quash the same and consequentially directing the respondents to reinstate the services of the petitioner with continuity of services and back wages.



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For Petitioner : Mr.Titus Enock
For Respondents : Mr.D.Ravichander
Special Government Pleader
for R1
No appearance for R2

ORDER

The grievance of the petitioner in this writ petition is similar to the one which was raised by another petitioner in W.P. No.8195 of 2022.

2. The petitioner has contended that by total non-application of mind to the fact that he had completed more than ten years of service as per G.O.Ms.No.38 Rural Development and Panchayat Raj (E5) Department dated 03.05.2013, the respondents without affording any opportunity of personal hearing to him, by violating the principles of natural justice, has terminated the services of the petitioner. The very same issue raised in this writ petition was also raised in the aforesaid writ petition in W.P. No.8195 of 2022 and by order dated 27.10.2022, a very similar impugned order dated 21.03.2022 was quashed and the matter was remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including providing him with



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one personal hearing. The third respondent was also directed to pass final orders within a period of twelve weeks from the date of receipt of a copy of the order. The direction issued by this Court on 27.10.2022 in W.P. No.8195 of 2022 which is an identical matter to the present one is extracted hereunder:

"4. For the foregoing reasons, the impugned order dated 21.03.2022 passed by the 3rd respondent is hereby quashed and the matter is remanded back to the 3rd respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including providing him with one personal hearing. The 3rd respondent shall pass final orders within a period of twelve weeks from the date of receipt of a copy of this order. If the petitioner succeeds in the enquiry proceedings, the respondents shall pay his arrears of salary immediately thereafter."

3. Since the petitioner is also similarly placed, the impugned order dated 17.05.2022 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including providing him with



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one personal hearing. The first respondent shall pass final orders within a period of twelve weeks from the date of receipt of a copy of this order. If the petitioner succeeds in the enquiry proceedings, the respondents would pay his arrears of salary immediately thereafter. However, it is made clear that till final orders are passed, the petitioner would not claim any monetary benefits from the respondents and shall not make any claim to rejoin duty.

4. With the aforesaid direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.12.2022

Index:Yes/No
mmi

To

1.The District Collector
Namakkal District, Namakkal.

2.The Commissioner,
Panchayat Union,
Sendamangalam,
Namakkal District.



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ABDUL QUDDHOSE,J.

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