



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 24436 of 2021

and

W.M.P.No.25764 of 2021

M. Sakthivel

..Petitioner

Vs.

1. The District Collector,
Tirupatur District,
Tirupatur 641601
2. The Assistant Director,
Panchayat, Tirupatur District,
Tirupatur 641601
3. The Block Development Officer,
Village Panchayat,
Vellakovil Panchayat Union,
Vellakovil,Tiruppur 638111.
4. The President,
Patchapalayam Panchayat,
Vellakovil Panchayat Union,
Tiruppur 638701.
5. G. Palanisamy

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of Na.Ka.No.2/2020-2021 dated 29/05/2020 on the file of the 4th Respondent and quash the same and consequently direct the 4th respondent to reinstate him with the petitioner earlier service and to provide him with the arrears of salary from the date of removal .

For Petitioner :Mr.M. RajeevGandhi

For Respondents :Mr.A.M. Ayyadurai, GA - R1 & R2
:Mr. M. Venkateswaran, Spl.GP - R3 & R4
:Mr. V. Kadhivelu - R5



ORDER

The prayer sought for in the writ petition is to call for the records of Na.Ka.No.2/2020-2021 dated 29/05/2020 on the file of the 4th Respondent and quash the same and consequently direct the 4th respondent to reinstate him with the petitioner earlier service and to provide him with the arrears of salary from the date of removal .

2. The learned counsel for the petitioner has submitted that the petitioner has been working as motor pump operator of Sukkutipalayam Village for the past 20 years without any adverse remarks. That being so, on 11.05.2020 as informed by the 4th respondent the petitioner had handed over the motor pump key and after receiving the keys and without any reason, the 4th respondent had stopped the petitioner to continue to his work as motor pump operator in the said panchayat and appointed another person in the place of the petitioner. Challenging the same, the petitioner has filed a writ petition before this Court and this Court by order dated 10.02.2021 dismissed the said writ petition for the reason that the petitioner has not impleaded necessary parties.

3. The learned counsel for the petitioner has submitted that the 4th respondent has passed the impugned order dated 29.05.2020 removing the petitioner from service, but the petitioner has not received the copy of the impugned order till date. Challenging the same, the present writ petition is filed.

4. Counter affidavit has been filed by the 3rd respondent, wherein it is stated that based on the complaint made by the general public of Sukkuttipalayam Village dated 11.05.2020 and Inspection Report of S.Poovendran, Sanitary worker and P.Senthilkumar, Village Panchayat Secretary dated 12.05.2020 respectively with regard to the allegation of negligence of duty and threatening the co-worker and after giving opportunity to the petitioner, the 4th respondent has terminated the services of the petitioner by proceedings dated 29.05.2020.

4. Heard both sides and perused the materials available on record.

5. The learned Government Pleader has produced the impugned order dated 29.05.2020 before this Court. A perusal of the impugned order clearly shows that without giving any opportunity to the petitioner to submit his explanation for the allegations made against him, the 4th respondent had passed impugned dismissal order.



6. Considering the facts and circumstances of the case and taking note of the fact that the impugned termination order was passed by the 4th respondent without granting any opportunity to the petitioner, this Court is of the view that in the interest of justice, the impugned order has to be quashed and final orders on the complaint shall be passed after giving opportunity to the petitioner. Accordingly, the following order is passed;

- i. Impugned order dated 29.05.2020 passed by the 4th respondent is quashed.
- ii. The 4th respondent is directed to furnish a copy of the impugned order dated 29.05.2020 to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.
- iii. On receipt of copy of the complaint, the petitioner is directed to submit his explanation to the 4th respondent, within a period of three weeks thereafter.
- iv. On receipt of such explanation from the petitioner, the 4th respondent is directed to pass appropriate orders on its own merits, in accordance with law as expeditiously as possible, preferably within a period of twelve weeks thereafter.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tirupatur District,
Tirupatur 641 601.
2. The Assistant Director,
Panchayat, Tirupatur District,
Tirupatur 641 601.
3. The Block Development Officer,
Village Panchayat,
Vellakovil Panchayat Union,
Vellakovil, Tiruppur 638 111.



4. The President,
Patchapalayam Panchayat,
Vellakovil Panchayat Union,
Tiruppur 638 701.

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+1cc to Mr.M. Rajeev Gandhi, Advocate, S.R.No.25907
+1cc to Mr. M. Venkateswaran, Advocate, S.R.No.25856
+1cc to the Government Pleader, S.R.No.26158

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NSK 05/05/2022