



W.P.No.33819 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33819 of 2022

Veeravadiavazhagan

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collectorate,
Tiruvarur - Post & District.

2.The Assistant Director (Village Panchayath),
Office of the District Collectorate,
Tiruvarur - Post & District.

3.The Block Development Officer (Village Panchayath),
Office of the Block Development Officer,
Mannargudi - Post & Taluk,
Tiruvarur District.

4.The Panchayath Secretary,
Edayarnatham Panchayath,
Mannargudi - Post & Taluk,
Tiruvarur - 614 016.

5.The Panchayat President,
Edayarnatham Panchayath,
Mannargudi - Post & Taluk,
Tiruvarur - 614 016.



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6. The Vice President,
Edayarnatham Panchayath,
Mannargudi - Post & Taluk,
Tiruvarur - 614 016.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents not to take any action against the petitioner from removal from the post of Over Head tank Operator without following due processes of law.

For Petitioner : Mr.D.Veerasekharan

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader
for R1 and R2

Mr.N.R.R.Arun Natarajan
Special Government Pleader
Assisted by
Mr.G.Sarath babu
for R3 to R6

ORDER

The grievance of the petitioner in this Writ Petition is that without following the due procedures established under law, the respondents are attempting to terminate the service of the petitioner.

2. The petitioner is employed as an overhead tank operator with the



respondents. He was issued with an appointment order on account of the fact that his mother had gifted a water tank to the Panchayat.

3. Learned Special Government Pleader appearing for the respondents has placed before this Court a show cause notice dated 03.12.2022 issued by the Panchayat President to the petitioner claiming that he has not done his work properly and on public interest as to why his service should not be terminated. A copy of the same has also been given to the learned counsel for the petitioner.

4. However, learned counsel for the petitioner would submit that the Panchayat President is not a competent Authority to issue a show cause notice. He would also submit that by resolution of the Panchayat, a decision has already been taken to terminate the service of the petitioner and therefore the respondents have predetermined the issue and they have not followed the due procedure established under law for terminating the service of the petitioner.

5. Admittedly, no reply has been sent to the show cause notice dated



03.12.2022 sent by the Panchayat President which has been placed before this Court today. Necessarily, the respondents will have to strictly adhere to the procedure established under law for terminating the service of the petitioner as an overhead tank operator. The petitioner's explanation / objections to the show cause notice will have to be necessarily considered by the respondents in the final orders to be passed by them.

6. The petitioner has raised several contentions in this Writ Petition. The contentions raised by the petitioner in this Writ Petition will have to be necessarily considered by the respondents. However, since no final orders have been passed till date by the respondents for terminating the service of the petitioner, this Court at this stage cannot grant any relief to the petitioner. The only relief that this Court can grant is to direct the petitioner to submit a reply to the show cause notice dated 03.12.2022 issued by the Panchayat President stating all his objections including the objections that have been raised in this Writ Petition and on receipt of the said reply, the respondents, after giving due consideration to the same, will have to decide as to whether the petitioner's service as an overhead tank operator can be terminated or not.



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7. For the foregoing reasons, this Writ Petition is disposed of by directing the petitioner to submit a reply to the show cause notice dated 03.12.2022 sent by the fifth respondent, stating all his objections including the objections that have been raised in this Writ Petition within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said reply, the fifth respondent shall pass final orders on merits and in accordance with law after giving due consideration to the objections raised by the petitioner in his explanation / reply, including granting him one personal hearing, within a period of eight weeks thereafter. Till final orders are passed by the fifth respondent the petitioner's service as an overhead tank operator shall not be disturbed by the respondents. No Costs.

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Index : Yes/No
Speaking Order : Yes / No
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To

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- 1.The District Collector,
O/o.The District Collectorate,
Tiruvarur - Post & District.
- 2.The Assistant Director (Village Panchayath),
Office of the District Collectorate,
Tiruvarur - Post & District.
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Tiruvarur - 614 016.
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ABDUL QUDDHOSE. J.,

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