



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

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W.A(MD)No.223 of 2022  
and C.M.P. (MD) No.2145 of 2022

1.The District Collector,  
Pudukottai District, Pudukottai.

2.The Personal Assistant  
to the District Collector, Pudukottai,  
O/o the District Collectorate,  
Pudukottai.

... Appellants/Respondents

Vs

S.Vasanthakumar

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 01.09.2021 recorded on W.P.(MD) No. 7615 of 2019.

Prayer in WP(MD). 7615 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.Pa.1/9548/2016 (Valarchi) dated 20.03.2019 and quash the same as illegal.

For Appellants : Mr.K.Balasubramani  
Special Government Pleader

For Respondent : Mr.Mohammed Imran  
for M/s.Ajmal Associates

#### JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

Challenge in this appeal is made to the order dated 01 September 2019 recorded on W.P(MD) No. 7615 of 2019. This appeal is by the respondents - State Authorities.

2. Learned Special Government Pleader has submitted that the impugned order is erroneous, since the writ petitioner, not being the regular employee, detailed procedure as contemplated under the Tamil Nadu Civil Services (D&A) Rules, 1955 were not required to be followed and explanation was already asked for from him and the same ought to have been treated as sufficient compliance of principles of natural justice. It is submitted that this appeal be

entertained.



3. On the other hand, learned advocate for the contesting respondent - original writ petitioner has submitted that not only it was the case of the petitioner, but it was the case of the State also through counter that - departmental enquiry was conducted and in the enquiry report, suggestion was made to impose punishment on the writ petitioner but the said report was not supplied to him. It is submitted that this was in breach of principles of natural justice so also the Rules of the State and therefore learned Single Judge has rightly interfered with the impugned order. It is submitted that no interference be made in this appeal.

4. Having heard learned advocates for the respective parties and having considered the material on record this Court finds that, it is undisputed that the writ petitioner was terminated from service for the misconduct perceived to have been proved in departmental enquiry - the report of which was never supplied to him. This is against the settled position of law. The said order which was in breach of principles of natural justice, is rightly set aside by learned Single Judge. We do not see any infirmity therein. This appeal therefore needs to be dismissed.

5. For the above reasons, this appeal is dismissed. No costs. Consequently, connected miscellaneous petition would not survive.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,  
Pudukottai District, Pudukottai.

2.The Personal Assistant  
to the District Collector, Pudukottai,  
O/o the District Collectorate, Pudukottai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate ( SR-12050[F] dated  
15/03/2022 )

+1 CC to M/s.SPL GP ( SR-12172[F] dated 15/03/2022 )

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