



W.P(MD)No.19713 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19713 of 2019

and

W.M.P.(MD)No.16193 of 2019

R.Karnan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation (H.O),
12, Thambusamy Road,
Kilapauk, Chennai.

2.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation (H.O),
12, Thambusamy Road,
Kilapauk, Chennai.

3.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region Office,
Madurai – 625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records of the 3rd Respondent in his proceedings in Na.Ka.No.E2/04098/16 dated 18-04-2017 as well as confirmation orders passed



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by the 2nd Respondent in his proceedings in Sa.Mu.Aa.No.AD4/3005/2019 dated 25-04-2019 and quash the same as illegal and consequently direct the respondents to forthwith reinstate the petitioner in service with all benefits from 2011.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.Raja Karthikeyan

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondent corporation.

2.The writ petitioner was appointed as Seasonal Bill Clerk from the year 2015-2016. By the impugned order dated 25.04.2019, he has been permanently removed from the said post. Questioning the same, the present writ petition has been filed.

3.The learned counsel on either side projected the stand set out in the respective pleadings.



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4.The impugned order has to be set aside on a short ground. The petitioner has specifically alleged in the affidavit filed in support of the writ petition that after receiving his explanation in response to the show cause notice, the impugned order has been straightaway passed. He has repeatedly pleaded that no enquiry was conducted. In paragraph No.5 of the counter affidavit, it has been stated that after receiving complaint against the writ petitioner, a Superintendent was appointed as enquiry officer to enquire into the allegation levelled against the writ petitioner and based on the outcome of the enquiry, the impugned order came to be passed. That the impugned order is stigmatic is not in doubt. Therefore, the authority ought to have complied with the principles of natural justice. I called upon the learned standing counsel to furnish me a copy of the enquiry report. No such enquiry report is forthcoming. In the impugned order also, there is no reference to the enquiry report. If an enquiry had been conducted, the petitioner would have been served with an enquiry notice. The learned counsel for the petitioner categorically asserts that the petitioner was not served with any notice to attend any enquiry. I am satisfied that the petitioner was not enquired before passing the impugned order. On this sole ground, the impugned order is set aside and the writ petition is allowed and the matter is remitted to the file of the third respondent to pass order afresh on merits and in accordance with law within a period of twelve



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weeks from the date of receipt of a copy of this order. In the meanwhile, the

petitioner's position as Seasonal Bill Clerk will stand restored. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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