



W.P.No.13473 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.13473 of 2020 and
W.M.P.No.16643 of 2020

A.Naresh Siva

... Petitioner

Vs.

1.The Commissioner,
Vellore Corporation,
Vellore.

2.The Assistant Commissioner,
Zone-IV, Vellore Corporation,
Vellore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the original impugned notice issued by the 1st respondent in Na.Ka.No.C1/6091/2019 dated 28.08.2020 and to quash the same and consequently, direct the respondents to allow the petitioner to continue in service in the post of consolidated pay employee semi skilled Gr.II / Work Inspector based on the absorption order issued in G.O.Ms.No.118, Municipal Administration and Water Supply (MC6) Department dated 19.12.2012 with consequential and other attendant benefits.



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For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Ms.P.Shanthi, Standing Counsel

ORDER

This Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to the original impugned notice issued by the 1st respondent in Na.Ka.No.C1/6091/2019 dated 28.08.2020 and to quash the same and consequently, direct the respondents to allow the petitioner to continue in service in the post of consolidated pay employee semi skilled Gr.II / Work Inspector based on the absorption order issued in G.O.Ms.No.118, Municipal Administration and Water Supply (MC6) Department dated 19.12.2012 with consequential and other attendant benefits.

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Ms.P.Shanthi, learned Standing Counsel for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner was initially appointed as part-time worker in Ariyur Village Panchayat for street light maintenance in the year 2006. By virtue of



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G.O.Ms.No.118, MAWS (MC6) Department dated 19.12.2012, 128

consolidated pay workers / daily wage workers who were working in the local bodies merged with Vellore Corporation have been absorbed. Accordingly, the petitioner and 19 others have been absorbed as Work Inspectors on consolidated pay. The petitioner's service register has been transferred from Panchayat to Vellore Corporation. Later by virtue of G.O(2D).No.62, Labour and Employment Department dated 11.10.2017, the part-time workers were converted into full-time workers. But however the Audit has raised objection for absorption of the petitioner and others and suddenly the petitioner was prevented from signing the attendance register from 22.05.2019 and not paid salary by the second respondent. The first respondent issued the impugned communication dated 28.08.2020 by terminating the petitioner. Hence the petitioner has filed this Writ Petition.

4. On perusal of the impugned order, it is seen that the order is in consideration of the representations of the petitioner dated 20.07.2020 and 03.08.2020 seeking for reinstatement. During the audit held in the



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second respondent Corporation, certain discrepancies and alteration of the entries in the record were found. Even the contents of the resolution book has been tampered and corrected as though it is an appointment order. The second respondent has stated that the petitioner has not received any salary from the second respondent local body fund and hence, he cannot be reinstated. It is the submission of the learned Standing Counsel for the respondents that with the connivance of the officials of the second respondent Corporation, the records were tampered in order to engage the petitioner through irregular and fraudulent means.

5. The allegations against the petitioner are very serious in nature and the fraud committed in tampering the records to appear as though the petitioner and some others were appointed has been found out during the audit. As submitted by the learned counsel for the petitioner the petitioner has not come with any termination order and the impugned order has been passed only on the representations made by the petitioner seeking reinstatement. When the alleged initial appointment itself is



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called as fraudulent, the second respondent cannot be expected to reinstate the petitioner or in other words, the second respondent cannot be expected to re-engage the person who he had not engaged in the first instance. The petitioner has not come to Court with clean hands. Hence this Writ Petition is liable to be dismissed.

6. In the result, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes

Internet : Yes/No

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R.N.MANJULA, J.

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To

- 1.The Commissioner,
Vellore Corporation,
Vellore.
- 2.The Assistant Commissioner,
Zone-IV, Vellore Corporation,
Vellore.

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