



WEB COPY



W.P.No.27206 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.27206 of 2023 and
W.M.P.Nos.26638 & 26639 of 2023

A.Dhandapani

... Petitioner

Vs.

1.The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, R.A.Puram,
Chennai-600 028.

2.The Commissioner,
Tirupattur Municipality,
Tirupattur-635 601.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned memorandum issued by the 1st respondent in Na.Ka.No.21387/2022/K1-1 dated 09.08.2023 and quash the same and consequently to direct the 1st respondent to consider the name of the petitioner for promotion as Manager Class-I in the next arising vacancies.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader-R1

Mr.P.Baladhandayutham,
Special Government Pleader-R2



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ORDER

This Writ Petition has been filed to call for the records relating to the impugned memorandum issued by the 1st respondent in Na.Ka.No.21387/2022/K1-1, dated 09.08.2023 and quash the same and consequently to direct the 1st respondent to consider the name of the petitioner for promotion as Manager Class-I in the next arising vacancies.

2.The case of the petitioner is that initially, he was appointed as Typist on 04.04.1990 through the District Employment Exchange, Vellore District and now Tirupathur District and thereafter, he was promoted as Assistant in the year 2006 and as Manager (Class-IV) in the year 2015 and further promoted as Manager (Class-IA) *vide* proceedings of the 1st respondent, dated 28.04.2023 and posted to Ambur Municipality. Subsequent, he was transferred as Manager to Tirupathur Municipality on 02.06.2023. Such being the position, the 1st respondent has issued memorandum, dated 09.08.2023 calling for explanation of the petitioner on the ground that he has suppressed the fact regarding relinquishment made on 24.12.2020. Challenging the same, the present Writ Petition has been filed.



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3. Heard the submissions of the learned counsel for the petitioner, the learned Additional Government Pleader for the 1st respondent and the learned Special Government Pleader for the 2nd respondent.

4. It is relevant to note that the show cause notice, dated 09.08.2023 has been issued for the reason that the petitioner suppressed the fact regarding relinquishment made on 24.12.2020 and obtained further promotion as Manager Class-II, Class-I and Class-1A.

5. At this stage, this Court is of the view that unless there is jurisdictional issue, the show cause notice, as a matter of right, cannot be challenged in the Writ Petition. It is the duty of the petitioner to give explanation to the 1st respondent to disprove the allegations made against him. However, at this stage, the very show cause notice itself cannot be interfered with.



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N.SATHISH KUMAR, J.

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6. Therefore, this Court does not find any merit in this writ petition.

Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition are closed.

15.09.2023

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Director of Municipal Administration,
No.75, Santhome High Road,
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