



W.P.(MD)No.5226 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.5226 of 2020
and
W.M.P(MD)No.4569 of 2020

M.Radhakrishnan

... Petitioner

Vs.

The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

... Respondent

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the proceedings of the respondent made in Na.Ka.Aa3/588.2017 dated 04.01.2019 and Na.Ka.Aa3/725.2018, dated 04.01.2019 both served on 21.01.2020 and quash the same.

For Petitioner : Mr.M.Suresh Kumar.
For Respondent : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

This writ petition has been filed to quash the proceedings of the respondent in Na.Ka.Aa3/588.2017, dated 04.01.2019 and Na.Ka.Aa3/725.2018, dated 04.01.2019.

2. The case of the petitioner is that he was appointed as a Village Assistant in the year 2011 and he has been discharging his duty without any complaint. The then Tahsildar, who joined during September, 2017, started to treat the Village Assistants as slaves and insisted to do other works, which was opposed by the petitioner as the Secretary of the Employees' Union. Due to which, the then Tahsildar issued three charge memos on 14.02.2018, 20.02.2018 and 22.02.2018. Challenging the same, the petitioner filed a writ petition in W.P(MD)No.5114 of 2018. This Court vide order, dated 06.11.2019, disposed of the said writ petition, directing the official respondents to conclude the disciplinary proceedings pending against the petitioner. Thereafter, an Enquiry Officer was appointed to conduct the enquiry. After conducting enquiry, the Enquiry Officer submitted a report on 31.12.2018. However, without



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furnishing the enquiry report to the petitioner and without issuing show-cause notice to him, within a period of 14 days, punishment was imposed on the petitioner. Challenging the said orders of punishment, the above writ petition is filed with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that there is violation of principles of natural justice as the enquiry report was not furnished to the petitioner, no show-notice was issued and no opportunity was given to the petitioner before passing the impugned orders.

4. The learned Special Government Pleader appearing for the respondent would fairly submit that no opportunity was given before passing the impugned orders and therefore, the impugned orders may be set aside and the matter may be remanded back to the respondent for fresh consideration.



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5. Accordingly, this writ petition is allowed and the impugned orders of the respondent in Na.Ka.Aa3/588.2017, dated 04.01.2019 and Na.Ka.Aa3/725.2018, dated 04.01.2019, are set aside and the matter is remanded back to the respondent for considering the matter afresh. The respondent is directed to furnish the enquiry report along with show-cause notice to the petitioner and if any show-cause notice is issued, the petitioner is directed to give explanation within a period of two weeks from the date of receipt of the enquiry report and show-cause notice and after receipt of such explanation and after conducting enquiry, the respondent is directed to pass appropriate orders in accordance with law, within a period of four weeks thereafter, after providing opportunity to the petitioner. No Costs. Consequently, connected miscellaneous petition is closed.

03.01.2023

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To

The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.



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M.DHANDAPANI,J.

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