



WEB COPY



W.P.No.231 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.231 of 2024
and W.M.P.No.279 of 2024

V.Jaishankar

...Petitioner

-Vs-

1. The Additional Director,
of Survey and Land Records,
Survey House, Chepauk,
Chennai-05.
2. The Regional Deputy Director,
of Survey and Land Records,
Coimbatore.
3. The Assistant Director,
of Survey and Land Records,
Cum Personnel Assistant of District Collector,
Krishnagiri.
4. The Assistant Director,
of District Employment Office,
Krishnagiri.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, by calling for the records in Na.Ka.No.D1/4841/2023(2), dated 18.12.2023, on the file of the 3rd respondent and quash the same as illegal incompetent without jurisdiction and



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further direct the respondents to reconsider impugned order in view of the Judgment of this Hon'ble Court in W.P.Nos.28857, 28972, 28976, 28979, 29993, 30012, 34048, 35516 and 35524 of 2019 dated 03.09.2021.

For Petitioner : Mr.M.Muruganantham

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the show cause notice dated 18.12.2023 in Na.Ka.No.D1/4841/2023(2), thereby called upon the petitioner to submit his explanation within a period of 30 days.

2. Heard the learned counsel on either side and perused the materials available on records.

3. The petitioner had applied for the post of Field Assistant by direct recruitment, as per the notification dated 21.11.2015. The petitioner had attended the interview conducted by the third respondent and he was declared successful by an order dated 19.02.2016. Thereafter, he was transferred from Hosur Municipality Office to Hosur Thasildar Office. He had undergone proper training to render the duties of Field Assistant. He was also given yearly increment applicable to the post of Field Assistant and his salary was fixed at



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Rs.16,200/-. Once again, he was transferred from Re-Survey Scheme Office, Hosur to the office of the Thasildar (Settlement), Hosur, on 05.01.2022. In fact, in the panel for promotion to the post of Surveyor, his name was placed in S.No.5. Thereafter, he had completed the departmental examination for promotion to the post of Surveyor. While being so, the petitioner was served with a show cause notice stating that some procedural irregularities had crept in while selecting the petitioner and that roster was not followed. Therefore, the person who recruited the petitioner and others was subjected to disciplinary proceedings and he was imposed with a punishment. Pursuant to the same, the third respondent issued a show cause notice to the petitioner, thereby called upon the petitioner to submit his explanation.

4. The only apprehension of the petitioner is that in the show cause notice itself, it is stated that it had been decided to terminate the service of the petitioner and as such, no enquiry will be conducted and straight away they will terminate the service of the petitioner.

5. It is seen that already a similar show cause notice was challenged before this Court in W.P.Nos.28857, 28972, 28976, 28979, 29993, 30012, 34048, 35516 and 35524 of 2019 and this Court by an order dated 03.09.2021



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allowed the writ petitions by issuing the following directions:-

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“ i) The respondents shall carry out an internal exercise by examining whether the vertical and horizontal reservations in terms of the respective G.Os.cited above under the provisions of law were observed and thereafter come to a conclusion as to which of the 32 persons who were appointed contrary to the vertical reservation in G.O.Ms.No.142 Personnel and Administrative Reforms (K) Department, dated 14.10.2009 and horizontal reservation in G.O.Ms.No.55 dated 08.04.2010.

ii) Only to such of these persons among the petitioners a show cause notice may be issued as indicated above.

iii) Such person may be given an adequate opportunity to defend thus in such proceedings and appropriate orders should be passed on merits in accordance with law considering the law.

iv) In any case, such of those petitioners who were otherwise entitled to absorbed in regular services, their services shall be regularized with notional benefit in terms of the provisions of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and Government orders in force.

v) This exercise shall be completed within a period of twelve weeks. No costs. Consequently, connected miscellaneous petitions are closed.”

6. Considering the above facts and circumstances of the case, the petitioner is directed to submit his explanation, within the time stipulated by the



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third respondent. On receipt of the same, the third respondent is directed to conduct an enquiry and after giving an opportunity of hearing to the petitioner, pass orders on merits and in accordance with law, as per the directions issued by this Court in W.P.Nos.28857, 28972, 28976, 28979, 29993, 30012, 34048, 35516 and 35524 of 2019 dated 03.09.2021.

7. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

09.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn

Note: Issue order copy on 12.01.2024



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G.K.ILANTHIRAIYAN. J.

mn

To

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