



WEB COPY



W.P.No.1059 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM:

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

W.P.No.1059 of 2024
W.M.P.No.1117 of 2024

K.Santhi

...Petitioner

-Vs -

1. The Assistant Director,
Survey and land Records,
District Survey office,
Krishnagiri.
2. The Regional Deputy Director of
Survey and Land Records,
Coimbatore.
3. The Director,
Survey and Land Records,
Survey House,
Chepauk,
Chennai – 600 005

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notification passed by the respondent No.1 herein in his reference No.Na.Ka.D1/4841/2023 dated 18.12.2023, quash the same and consequently direct the respondents to continue the petitioner in appointment as Field Assistant in the Department of Survey and Land Records.



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For Petitioner : Mr.S.N.Ravichandran
For Mr.P.K.Rajagopal
For Respondents
For R1 & R2 : Dr.T.Seenivasan
Special Government Pleader
For R3 : Mr.S.J.Mohamed Sathik
Government Advocate.

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 her explanation within a period of 30 days.

2. The petitioner name was sponsored by the District Employment Office for appointment in the post of Field Assistant in the office of the first respondent. Thereafter, the petitioner received a call letter dated 08.01.2016 and she attended the interview and selection process in the Survey and Land Records Department. The petitioner was selected and appointed as Field Assistant by first respondent by an order dated 19.02.2016. Thereafter, on 23.02.2022, the Assistant Director of Survey and Land Records cum Personal Assistant to District Collector, Krishnagiri, published seniority list in which the petitioner was placed at Sl.No.3. Further there are more than ten vacancies in the regular post of



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Field Assistants as of now and a proposal has been sent to fill up vacancies with contract employees.

3. While being so, the petitioner was served with a show cause notice stating that some procedural irregularities had crept while selecting the petitioner and that roaster 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 first respondent issued a show cause notice to the petitioner, thereby called upon the petitioner to submit his explanation. Hence, the petitioner filed this present writ petition.

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

5. 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.



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6. 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 allowed the writ petitions by issuing the following directions:-

“ 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



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(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.”

7. Considering the above facts and circumstances of the case, the petitioner is directed to submit his explanation, within the time stipulated by the first respondent. On receipt of the same, the first 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.

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

19.02.2024

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



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G.K.ILANTHIRAIYAN. J.

rts

To

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