



W.P.No.33645 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM

THE HONOURABLE MRS. **JUSTICE R.KALAIMATHI**

W.P.No.33645 of 2012

Dhanapal

... Petitioner

vs.

1.The Chief Engineer (WRO).
Public Works Department,
Chennai Division,
Chepauk, Chennai 600 005.

2.The Superintending Engineer,
Planning Circle,
Public Works Department,
Vellore.

3.The Executive Engineer,
PWD/WRO,
Upper Palar Basin Division,
Vellore-6.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 3rd respondent in Se.Mu.Aa.No.1076/2009/Ni.Vu.dated 21.05.2009 and confirmed by the order passed by the 2nd respondent in கடித எண்.1360/நி4/2011, நாள் 26.04.2011 and quash the same orders and thereby direct the respondents to reinstate



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the petitioner in service with all the arrears of salary and attendant benefits.

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For Petitioner : Mr.R.Surya Prakash
for M/s.R.K.Kalpana

For Respondents : Mr.S.Rajesh
Govt.Advocate.

ORDER

The Order passed by the third respondent in Se.Mu.Aa.No.1076/2009/Ni/Vu dated 21.05.2009 and the order of the second respondent in Letter கடித எண்.1360/நி4/2011 dated 26.04.2011 are under challenge. A further direction is sought for, to reinstate the petitioner in service with all the arrears of salary and other benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The petitioner, Dhanapal submits that he is working under the respondent Department from 1990. He joined as Nominal Muster Roll Mazdoor. On 19.10.2007, the Government passed G.O.Ms.No.334 by which 1056 Nominal Muster Roll Employees who have completed 10 years of service in the respondent department were brought into regular establishment and their services were regularised. Based on the said G.O.,



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the petitioner's services were regularised in the post of Mazdoor.

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4. The petitioner further submits that he has studied upto 5th standard and he was asked to produce the Educational Certificate by the authorities, for forwarding the proposal for regularisation to the Government. He produced the Record Sheet issued by C.S.I.Primary School, Sekkadu, Chennai dated 03.06.1995.

5. The impugned order dated 21.05.2009 issued by the third respondent, the Executive Engineer, Public Works Department, Vellore, stating that the Educational Certificate furnished by the petitioner is a bogus one and he was terminated from service from 21.05.2009 A.N.

6. A thorough perusal of the impugned order, it appears that as the Educational Certificate submitted by the petitioner is a bogus one, he was terminated from his services without following the due process of law. Irrespective of the allegations, the Authority ought to have given opportunity to show cause as to why the petitioner's service be not terminated. Therefore, the impugned orders passed by the respondents are in violation of the principles of natural justice. It is stated that the present age of the petitioner is 64 years/2024. Therefore, it is just and necessary to issue a direction to the respondents to initiate action in accordance with law after



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following the due process of law:-

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- i) The respondents shall issue notice calling for explanation from the petitioner.
- ii) Therefore, the respondents shall pass reasonable orders.
- iii) The respondents shall complete the above exercise, within a period of twelve weeks from the date of receipt of copy of this order.

7. With these discussions, this writ petition stands disposed of. There is no order as to costs.

22.07.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

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- 3.The Executive Engineer,
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R.KALAIMATHI, J.,

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