



WEB COPY



W.P.No.13181 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.13181 of 2024
and W.M.P.No.14323 of 2024

N. Selvaraj

... Petitioner

Vs.

1. The Commissioner,
Vellore City Municipal Corporation,
Vellore – 632 009.

2. The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipurami,
Chennai – 600 028.

3. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Secretariat,
Chennai – 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent issued in Na.Ka.No.E1/2477/2024, dated 24.04.2024, (served on the petitioner only on 29.04.2024) and quash the same and consequently to direct the 1st and 2nd respondents to permit the petitioner to continue as Assistant Engineer in Vellore City Municipal Corporation in the light of the orders passed by the Government in G.O.(Ms).No.79, MAWS Department,



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dated 30.04.2001, with all service and monetary benefits within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.S.N.Ravichandran
For Respondents : Mr.P.Ganesan
Government Advocate

ORDER

In this matter, by an order dated 05.04.2024, the Commissioner of Municipal Administration passed orders directing reversion of the petitioner herein from the post of Assistant Engineer to Technical Assistant.

2. The same was put to challenge before this Court by way of W.P.No.11419 of 2024 and this Court finding that no opportunity was given to the petitioner and such an order could not have been passed without even issuing a show cause notice and the said writ petition was allowed quashing the said order by giving liberty to the respondents to issue show cause notice to the petitioner and decide the matter afresh.

3. As a matter of fact, thereafter, a show cause notice also was issued on 20.05.2024 and the respondents are proceeding further in the matter.



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4. In the meanwhile, without reference to the said order of this Court, the order impugned in the present writ petition dated 24.04.2024 is passed, which is only the consequential order of the earlier order dated 05.04.2024, which is quashed by this Court.

5. In that view of the matter, the learned counsel appearing on behalf of the first respondent would fairly submits that this impugned order also has to go and the respondents will reconsider the matter in accordance with the directions of this Court and by considering the objections already submitted by the petitioner to the show cause notice.

6. In view thereof, this writ petition is allowed on the following terms:

1. The impugned order dated 24.04.2024 shall stand quashed.
2. However, the respondents will be at liberty to decide the matter afresh pursuant to the show cause notice dated 20.05.2024 in the manner known to law.
3. No costs. Connected miscellaneous petition is closed.

10.06.2024

Neutral Citation: Yes/No
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D.BHARATHA CHAKRAVARTHY, J.

mp

To

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Vellore City Municipal Corporation,
Vellore – 632 009.
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No.75, Santhome High Road,
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