



W.P.No.15352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.15352 of 2024
and W.M.P.Nos.16677 & 16678 of 2024

S.Rajamani

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Namakal Kaviner Maligai,
Chennai – 600 009.
2. The Director of Municipal Administration,
75, Santhome High way, MRC Nagar,
Raja Annamalai Nagar,
Chennai – 600 028.
3. The Commissioner,
Erode City Municipal Corporation,
Erode.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent herein in Na.Ka.No.C1/4945/2023 dated 06.05.2024 served on the petitioner dated 10.05.2024 whereby the petitioner is reverted from the post of Junior Engineer to the post of Technical Assistant and quash the same and consequently direct the respondents to permitted the petitioner to continue in the post of Junior Engineer as per the proceedings of the third respondent in Na.Ka.No.C1/4945/2023, dated 30.03.2024 with all service and monetary benefits.



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For Petitioner : M/s.Dakshayani Reddy
For Respondents : Mr.P.Ganesan
Government Advocate [R1 & R2]
Mr.Raja Mathivanan [R3]

ORDER

This writ petition is filed challenging the order dated 06.05.2024, whereby the petitioner is reverted to the post of Technical Assistant from the post of Junior Engineer.

2. When the matter came up for Admission, the matter was passed over for the learned counsel appearing for the third respondent to get instructions as to whether any show cause notice was issued prior to the passing of the impugned order.

3. The learned counsel appearing for the third respondent after getting instructions would submit that no show cause notice was issued prior to the passing of the impugned order.

4. On a perusal of the impugned order, it is clear that no show cause notice has been issued. As a matter of fact, the petitioner has



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specifically pleaded that principles of natural justice has been violated and the impugned order visits the petitioner with civil consequences. The same cannot be passed without affording any opportunity to the petitioner and considering the objections that may be raised by the petitioner objectively.

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

1. The impugned order dated 06.05.2024 bearing reference Na.Ka.No.C1/4945/2023 shall stand quashed.
2. However the third respondent will be at liberty to carry out the exercise afresh by issuing a show cause notice to the petitioner. Upon receipt of the show cause notice, the petitioner can raise all the grounds including the grounds raised in the present writ petition. The third respondent shall consider the same and pass orders thereafter on merits and in accordance with law.
3. No costs. Connected miscellaneous petitions are closed.

11.06.2024

Neutral Citation: No
mp



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D.BHARATHA CHAKRAVARTHY, J.

mp

To

1. The Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Namakal Kaviner Maligai,
Chennai – 600 009.
2. The Director of Municipal Administration,
75, Santhome High way, MRC Nagar,
Raja Annamalai Nagar,
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3. The Commissioner,
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