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WP.No.18711 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE Mr.JUSTICE C.KUMARAPPAN

WP.No.18711 of 2020
and
WMP.No.23238 of 2020

T.K.Jayapal

... Petitioner

- Vs -

1. The District Collector,
O/o. The District Collector,
Coimbatore District.
2. The President/Administrative Officer
Selakarichal,
Sultanpet Panchayat Union
Coimbatore-600 658.

... Respondents

Writ Petition is filed under Article 226 of The Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order of Removed from Service dated 25.08.2020 on the file of the 2nd respondent and quash the same by directing the 2nd respondent to allow the petitioner to work as Drinking Water Supplier cum Drinking Water Over Tank Operator at his present place of work.



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For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.A.M.Ayyadurai
Government Advocate for R1 & R2

ORDER

The instant writ petition has been filed challenging the Agenda Notification dated 25.08.2020.

2. The learned counsel for the petitioner would submit that based upon the Agenda, the respondents dismissed the petitioner from service, and that no opportunity was provided to the petitioner to explain his side of his case and that the principles of natural justice has not been followed, and that no reasoned order was passed. Hence, prayed to interfere with the Agenda Notification.

3. The learned Government Advocate, on instructions from the 2nd respondent would submit that by virtue of the Resolution No.289/2020, the petitioner was dismissed from service, as the 2nd respondent Panchayat received complaints against the petitioner from the General Public. The



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learned Government Advocate has filed that the letters sent by the President of the 2nd respondent-Panchayat, and also the extract of the Resolution and the complaints given by the General Public before this Court.

4. I have given my anxious consideration to either side submissions.

5. From the documents submitted by the learned Government Advocate, when an Agenda was placed to dismiss the present petitioner, the Panchayat has approved his dismissal vide Resolution No.289/2020 dated 25.08.2020. The records reveals, there are no materials so as to establish the supply of documents relied by them to the petitioner, and also to demonstrate the non adherence of the principles of natural justice. It is the specific submission of the petitioner that, the respondents had served only Agenda copy to the petitioner, without the document they relied. While perusing the Agenda copy, there are no reason as to how the charge against the petitioner has been proved. In any disciplinary proceedings, reasoned order is the endogenous vestige. It is covertly and overtly established that there were no domestic enquiry much less an enquiry at least for name sake conducted against this petitioner. Thus, this Court finds force in the submissions made by the learned



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counsel for the petitioner.

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6. In the result, this writ petition stands allowed setting aside the order of dismissal. However, the respondents are given liberty to initiate fresh disciplinary proceedings against the petitioner if advised, in accordance with law and by following due procedures. The documents produced by the learned Government Advocate is placed on record. No costs. Consequently, connected WMP is also closed.

28.10.2024

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Index : Yes/No

Speaking/Non Speaking Order

NCC : Yes/No

To

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2. The President/Administrative Officer,
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C.KUMARAPPAN., J

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