



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25976 of 2024
and W.M.P.Nos.28363 & 28365 of 2024

V.Santhosh

... Petitioner

Vs.

1.Chennai Metropolitan Water Supply and Sewerage Board
Rep. by its Chairman-cum-Managing Director,
No.1, Pumping Station Road,
Chintadripet,
Chennai – 600 002.

2.The General Manager,
Personal & Administration (R & A Department)
Chennai Metropolitan Water Supply and Sewerage Board
No.1, Pumping Station Road,
Chintadripet,
Chennai – 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the 1st respondents proceedings vide Proc.No. CMWSSB /R&A / STF /RA4 /14506 /2022 dated 20.08.2024 and quash the same and further direct the respondents to reinstate the petitioner with immediate effect and declare the probation of the petitioner and give all service monetary benefits.



For Petitioner : Mr.M.Muthappan

For Respondents : Mr.Jerry V.Sundar
Standing Counsel

ORDER

This writ petition was filed challenging the proceedings of the 1st respondent dated 20.08.2024 and for a consequential direction to the respondents to reinstate the petitioner into service and to declare his probation and to extend all the attendant benefits.

2.When the matter came up for hearing on 06.09.2024, this Court passed the following order:

Mr.Krishna Ravindran, learned Standing Counsel, takes notice for respondent.

2.In the instant case, an earlier order was passed by this Court in WP No.25705 of 2022 dated 26.04.2024. In this order, it was made clear that since the petitioner had already passed the language test and also the vivo voce on 24.03.2023, the show



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cause notice dated 02.08.2022 was quashed and a direction was given to declare the probation of the petitioner within a period of four weeks from the date of receipt of the order. After this order was passed, the impugned proceedings dated 20.08.2024 has been issued by the 1st respondent and the 1st respondent has stated that the request made by the petitioner is rejected and that he is directing an appeal to be filed against the order passed by this Court.

3.In the considered view of this Court, the order passed by the 1st respondent virtually runs against the order passed by this Court and it is bordering contempt of Court. Just because, the 1st respondent is not satisfied with the order passed by this Court such a comment can never be made in an impugned order and no body has prevented the 1st respondent to go on appeal against the order passed by this Court. Till the order passed by the learned Single Judge is in force, the respondents are bound to comply with that order. Hence, there shall be an order of interim stay until further orders.

4.Post this case under the caption for orders on 18.10.2024. In the meantime, the respondents are directed to file their counter affidavit.



3. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the Chennai Metropolitan Water Supply and Sewerage Board produced the proceedings dated 16.10.2024, issued by the Managing Director. The relevant portions in the proceedings are extracted hereunder:

7. Thiru V Santhosh, Junior Assistant in his representation dated 26.09.2024 has requested to re-examine his discharge order and to permit him to rejoin the duty. Accordingly, the subject was again placed before the Board. The Board vide Resolution No. 146/2024, dated 14.10.2024 has resolved to cancel the discharge order issued in Proc. No. CMWSSB/R&A/STF/RA4/ 14506/2022, and allowed the individual to join duty immediately. Further, the Board resolved to declare the individual to have satisfactorily completed the probation on 25.03.2023.

8. In view of the resolution of the Board dated 14.10.2024, the proceedings issued in the reference 1st cited discharging the services of Thiru V. Santhosh, Junior Assistant from this Board is cancelled and the said individual is directed to rejoin duty before the Area Engineer - VIII forthwith



9. *The General Manager of this Board may be directed to declare that the individual has satisfactorily completed the probation on 25.03.2023*

10. *The Area Engineer - VIII is requested to intimate the date of joining of the individual forthwith.*

4.It is clear from the above that the petitioner has now been reinstated and it is also declared that he has satisfactorily completed the probation.

5.Recording the same, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

22.10.2024

Internet : Yes / No
Index : Yes / No
Speaking Order / Non Speaking Order
ssr

To

1.The Chairman-cum-Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 002.



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N. ANAND VENKATESH, J.

SSR

2.The General Manager,
Personal & Administration (R & A Department)
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