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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.26741 of 2024
and W.M.P.Nos.29242, 29243 and 29245 of 2024

M.Vimalraj

... Petitioner

Vs.

1.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore – 641 001.

2.The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
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 a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent issued in Na.Ka.No.7399/2021/MC1 dated 30.5.2024 and quash the same and consequently to direct the 1st and 2nd respondents to permit the petitioner to continue in the same post of Junior Engineer in Coimbatore



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City Municipal Corporation with all service and monetary benefits without any break in service, within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.N.Umapathi
Standing Counsel for R1

Mr.C.Selvaraj
Additional Government Pleader
for Rs & R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 30.05.2024 and for a consequential direction to the 1st and 2nd respondents to permit the petitioner to continue the same post of Junior Engineer in Coimbatore City Municipal Corporation with all service and monetary benefits.

2.Heard Mr.T.Ranganathan, learned counsel appearing on behalf of the petitioner, Mr.N.Umapathi, learned Standing Counsel appearing on behalf of the 1st respondent and Mr.C.Selvaraj, learned Additional Government Pleader appearing on behalf of respondents 2 and 3.



3.The case of the petitioner is that he was working as a Junior Engineer in the Coimbatore City Municipal Corporation. The grievance of the petitioner is that the 1st respondent has issued the impugned proceedings dated 30.05.2024, reverting the petitioner from the post of Junior Engineer to Technical Assistant even without issuing a notice. It is under these circumstances, the present writ petition came to be filed before this Court.

4.The order passed by the first respondent is liable to be interfered by this Court for violation of principles of natural justice. Reverting the petitioner from the post of Junior Engineer to Technical Assistant results in civil consequences to the petitioner. It is now too well settled that whenever an order is capable of resulting in civil consequences, such order can be passed only after affording an opportunity to the concerned person. In short, no such order can be passed without complying with the principles of natural justice.

5.In the instant case, the first respondent has straightaway issued the impugned proceedings dated 30.05.2024 reverting the petitioner to the post of Technical Assistant.



6.The learned Standing Counsel appearing on behalf of first respondent submitted that there were valid reasons for the first respondent to pass such an order and therefore, there is no ground to interfere with the order.

7.The first respondent may be having valid reasons for passing the order of reversion. However, that does not mean that the first respondent can straightaway pass such an order even without putting the petitioner on notice. The first respondent, ought to have first issued a notice to the petitioner expressing the intention that steps are taken for reverting the petitioner. The petitioner should have been given an opportunity to give his reply and thereafter, an order should have been passed on its own merits and in accordance with law. In the absence of fulfilling this minimum requirement, the order passed by the 1st respondent has to be interfered for violation of principles of natural justice.

8.In the light of the above discussion, the impugned order passed by first respondent dated 30.05.2024 is hereby set aside. If the first respondent is intending to take any action against the petitioner, the first respondent shall give proper notice to the petitioner, afford sufficient opportunity to the petitioner and thereafter, pass orders on its own merits and in accordance with law.



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9. In the result, this writ petition is allowed in the above terms. No costs.

Consequently, connected miscellaneous petitions are closed.

10.09.2024

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order
ssr

To

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N. ANAND VENKATESH, J.

SSR

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