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Writ Petition No.26320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26320 of 2024

and

W.M.P.Nos.28764, 28765 & 28767 of 2024

P.Sathis Kumar

... 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

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the first respondent issued in Na.Ka.No.7399/2021/MC1, dated 30.05.2024 and quash the same and consequently, direct the respondents 1 and 2 to permit the petitioner to



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continue in the same post of Assistant Engineer in Coimbatore 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 [R1]
Mr.C.Selvaraj
Additional Government Pleader [R2&R3]

ORDER

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

2. Heard Mr.T.Ranganathan, learned counsel for petitioner, Mr.N.Umapathi, learned Standing Counsel appearing for first respondent and Mr.C.Selvaraj, learned Additional Government Pleader appearing for respondents 2 and 3.

3. The case of the petitioner is that he was appointed as a Technical Assistant on 07.01.2014 on compassionate grounds. His



probation was declared on 01.02.2017. Thereafter, he was promoted as a Junior Engineer in the year 2020. He was subsequently re-designated as a Assistant Engineer. The appointment as Assistant Engineer was given effect from 26.02.2021.

4. The grievance of the petitioner is that the first respondent has issued the impugned proceedings dated 30.05.2024 reverting the petitioner from the post of Assistant Engineer to Junior Engineer even without issuing a notice. It is under these circumstances, the present writ petition came to be filed before this Court.

5. The order passed by first respondent is liable to be interfered with by this Court for violation of principles of natural justice. Reverting the petitioner from the post of Assistant Engineer to the post of Junior Engineer results in civil consequences to the petitioner. It is now too well settled that whenever an order results 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.



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6. In the instant case, the first respondent has straightaway issued the impugned proceedings dated 30.05.2024 reverting the petitioner to the post of Junior Engineer.

7. 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.

8. 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 make his reply. 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 has to go for violation of principles of natural justice.



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9. 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.

In the result, this writ peititon is allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

06.09.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm

N.ANAND VENKATESH, J

gm



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