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W.P.No.5567 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

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THE HONOURABLE Ms. JUSTICE P.T.ASHA

**W.P.No.5567 of 2023**  
**and**  
**W.M.P.No.5583 of 2023**

K.Chinnaraj

... Petitioner

-VS-

1.The Executive Engineer,WRD,  
Public Works Department,  
Middle Pennaiyar Basin Division,  
Tiruvannamalai – 600 603.

2.The Assistant Executive Engineer, PWD,  
Sathanur Dam Sub Division,  
Sathanur Dam – 606 706.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari, call for the records relating to the Show Cause Notice in Memo No.Ni.2/Go.2174-1/2022/dated 23.12.2022 passed by the 1<sup>st</sup> respondent and quash the same.

For petitioner : Mr.W.M.Abdul Majeed

For Respondents : Mrs.S.Anitha,  
Special Government Pleader



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## **ORDER**

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This writ petition has been filed to call for the records relating to the Show Cause Notice in Memo No.Ni.2/Go.2174-1/2022/dated 23.12.2022 passed by the 1<sup>st</sup> respondent and quash the same.

2.The facts which have given rise to the filing of this petition are briefly set out hereinbelow.

2.1.It is the case of the petitioner that he was employed as a NMR-Mazdoor-Watchman at Vanapuram, Irrigation Branch of the Middle Pennaiyar Basin Division, Tiruvannamalai District in the PWD Department. There were about 200 people working as Irrigation Assistants, Watchman and Sweepers at the Sathanur Dam. It is the grievance of the petitioner that though NMR like him had been working for decades together, they had been denied regularization for one reason or other.

2.2.While so, due to the continuous and sustained efforts of their association who were espousing the cause of the Mazdoors, the



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Tamil Nadu Government had passed G.O.Ms.No.334, Public Works

(C2) Department, dated 19.10.2007, regularizing the services for 1056 NMR workers who had completed over 10 years of service throughout the state of Tamil Nadu. The order of regularization had been passed consequent to the recommendation sent by the respondents. The respondents had forwarded these recommendations only after ascertaining the details about the NMR workers.

2.3.The petitioner would submit that his service was regularized in the year 2007 after putting in 20 years of service as NMR Watchman. Though the Government Order had given clear directions, the respondents insisted that the petitioner should produce the Transfer Certificate from the school. The petitioner had also produced the same. He would submit that as he was in the forefront of the agitations of the association of the NMR's, he had not been enjoying a cordial relationship with the respondents and therefore, the respondents have sought for the verification of the certificates from the school authorities, behind the back of the petitioner. The



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respondents had obtained a report from the school authority and the petitioner was not even given a chance to rebut the said report.

Thereafter, the 2<sup>nd</sup> respondent had chosen to terminate the petitioner from service by an order dated 04.07.2008, stating that the petitioner had produced false documents. Along with the petitioner, three other mazdoors were also terminated with the same set of allegations.

2.4. Therefore, the petitioner had filed a writ petition in W.P.No.14330 of 2009 and by an order dated 05.08.2009, the writ petition filed by the petitioner as well as by others were allowed and the termination orders were set aside. Challenging the same, the respondents had filed an appeal in W.A.No.1581 of 2009 and by an order dated 04.01.2010, the said appeal was dismissed. Thereafter, the petitioner was reinstated in service on 30.01.2010 and within two months thereafter, a charge memo dated 25.03.2010 was issued by the 1<sup>st</sup> respondent to the petitioner stating that he had produced a bogus certificate. The petitioner had submitted his explanation dated 13.04.2010 to the said memo and by an order dated 30.04.2010, the



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1<sup>st</sup> respondent had discharged and absolved the petitioner of the charges. The issue therefore, had attained finality by reason of this order and the petitioner had continued his service.

2.5.The petitioner would submit that out of the four persons who had challenged the order, one person had been permitted to retire from service. Just as other similarly placed persons were about to retire, the respondents have taken some action against them in respect of the very same issue. The petitioner would submit that he was also promoted to the post of Work Inspector after his reinstatement.

2.6.The petitioner would submit that once again, a show cause notice has been issued by the 1<sup>st</sup> respondent on the ground that he had produced a bogus certificate at the time of joining service. This is despite the fact that earlier this Court had allowed the writ petition challenging the termination of the petitioner on the very same set of charges and that the 1<sup>st</sup> respondent has himself has exonerated the



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petitioner from the charges by an order dated 30.04.2010. Aggrieved by the same, the petitioner is before this Court.

3.The respondents has filed a counter affidavit *inter alia* denying the allegations contained in the affidavit of the petition. In the counter, the respondents would take up a novel defense that the order dated 30.04.2010 passed by the then Executive Engineer is a colossal mistake and had been passed only on the basis of the letter given by the then Assistant Executive Engineer where the said officer had enclosed the reply given by the petitioner to the charge memo issued against him. The 1<sup>st</sup> respondent sought to review the order passed earlier by the 1<sup>st</sup> respondent himself though the Officer In-charge was different. They would once again reiterate that the T.C. given by the petitioner is a bogus one.

4.Heard the learned counsel on either side and perused the materials available on record.



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5. Admittedly, the petitioner and the similarly placed persons were terminated from service on the very same allegations that they had got into the employment by producing bogus certificates. This order was set aside by this Court in W.P.No.14330 of 2019 and two other cases holding that the termination order has been passed without notice to the petitioners therein and without hearing them. The said order was passed on 05.08.2009. The learned Judge however, observed that it was open to the respondents to initiate fresh action in the manner known to law. This order was taken up on challenge to the Hon'ble Division Bench of this Court which confirmed the order of the learned Single Judge.

6. Subsequently, the petitioner was reinstated into service and thereafter, the charge memo dated 25.03.2010 was issued to him, for which, he had submitted his detailed explanation dated 13.04.2010 and by the order dated 30.04.2010, the 1<sup>st</sup> respondent discharged and absolved him from the charges. Thereafter, the petitioner continued his service and was also given a promotion as a Work Inspector.



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Consequently, 12 years after the 1<sup>st</sup> respondent had discharged and absolved the petitioner of the charges, once again, the show cause notice was issued for the very same charges. This is nothing but a case of harassment and a malafide and motivated action. The 1<sup>st</sup> respondent who has already passed the order dated 30.04.2010 cannot once again review his order. The present show cause notice is nothing but an attempt to review the earlier order dated 30.04.2010 and a sheer abuse of power. The said order having become final and the same not having been challenged by the authorities, it does not give them the power to once again initiate the proceedings on the same set of charges.

Accordingly, the writ petition is allowed as prayed for and therefore, the impugned order is set aside. No costs. Consequently, connected miscellaneous petition stands closed.

**16.12.2025**

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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To

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**P.T.ASHA, J.,**

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