
(2010) 11 MAD CK 0241
In the Madras High Court
Case No : Writ Petition No. 29181 of 2006

G. Ravi

APPELLANT

Vs

Ambur Municipality

RESPONDENT

Date of Decision : 10-11-2010

Acts Referred:

Citation : (2010) 11 MAD CK 0241

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : V.R. Rajasekar, for the Appellant; M. Devadoss, for the Respondent

Final Decision : Allowed

Judgement

D. Hariparanthaman, J.—The Petitioner studied upto S.S.L.C. He registered his name in the Employment Exchange. The Employment Exchange sponsored his name for the N.M.R. post in the Respondent-Municipality. Thereafter, the Respondent appointed the Petitioner as N.M.R. worker by an order dated 14.02.1987. After, the Petitioner rendered 10 years of service, he was appointed as Fountain Cleaner in time scale of pay, by an order dated, 19.12.1997.

2. While so, the Respondent passed the impugned order dated 02.04.1998 reverting the Petitioner as N.M.R worker.

3. The Petitioner has filed the Original Application in O.A. No. 3250 of 1998 (W.P. No. 29181 of 2006) to quash the aforesaid order dated 02.04.1998 of the Respondent-Municipality. While admitting the Original Application on 22.04.1998, the Tamil Nadu Administrative Tribunal granted interim stay. In view of the interim stay, the Petitioner is continued as Fountain Cleaner. On completion of 10 years of service as Fountain Cleaner, the Petitioner was also granted Selection Grade in Fountain Cleaner.

4. Heard Mr. V.R. Rajasekar, learned Counsel for the Petitioner and Mr. M. Devadoss, learned Counsel for the Respondent-Municipality.

5. The learned Counsel for the Petitioner submits that the Petitioner was appointed as a Fountain Cleaner, after he rendered 10 years of service as N.M.R. The impugned order of reversion was passed without notice. In view of the interim order, the Petitioner is continued as Fountain Cleaner and he was also granted Selection Grade. The learned Counsel for the Petitioner further submits that the juniors, who joined as N.M.R. subsequent to Petitioner were directly appointed as Record Clerk and the Petitioner is not considered for the post of Record Clerk, as this case is pending before this Court.

6. The learned Counsel for the Respondent-Municipality does not dispute that the juniors to the Petitioner were directly appointed to the post of Record Clerk. It is also not in dispute that the impugned order was passed without notice.

7. I have considered the submissions made on either side.

8. As rightly contended by the learned Counsel for the Petitioner, the impugned order was passed without notice. Thus, the impugned order was passed in flagrant violations of principles of natural justice. Further, as rightly contended by the learned Counsel for the Petitioner, the Petitioner was also granted Selection Grade and that his juniors were directly appointed to the post of Record Clerk overlooking the claim of the Petitioner, on the sole ground that this case is pending. The only reason given in the reversion order is that D.HARIPARANTHAMAN, J. r n s the Petitioner did not put in 10 years of service, before he was posted as Fountain Cleaner. Factually, it is not correct. The learned Counsel for the Petitioner also submits that as per the Tamil Nadu Municipal Last Grade Service Rules, 1975, one year service as N.M.R. is sufficient for appointment to the post of Fountain Cleaner.

9. Taking into account, the entire circumstances of the case, the impugned order is liable to be quashed and the same is quashed.

10. Accordingly, the writ petition is allowed. No costs.