

WP(MD) No.25609 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twentieth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

WP(MD) No.25609 of 2023

AND

WMP(MD) No.21795 of 2023

M.D.BALAKRISHNAN
PUBLIC WORK OVERSEER,
SIVAKASI CORPORATION,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.

... PETITIONER

Vs

1 THE PRINCIPAL SECRETARY
MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT,
SECRETARIAT,
CHENNAI - 9.

2 THE DIRECTOR OF MUNICIPAL ADMINISTRATION,
NO.75, URBAN ADMINISTRATIVE BUILDING,
SANTHOME HIGH ROAD,
MRC NAGAR,
RAJA ANNAMALAIPURAM,
CHENNAI - 28.

3 THE COMMISSIONER
SIVAKASI CORPORATION,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.

... RESPONDENTS



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सत्यमेव जयते Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent in connection with the impugned charge memo issued by him vide his proceedings in Na.Ka. No.123/2022/C1 dated 26.10.2022 and quash the same as illegal, arbitrary and consequently direct the 3rd respondent to promote the petitioner to the post of Junior Engineer based on his seniority in the light of the proceedings of the 2nd respondent dated 30.09.2023.

Prayer in WMP(MD). 21795/ 2023 :

To grant Ad-Interim Stay, staying the operation of the impugned charge memo issued by the 3rd respondent vide his proceedings in Na.Ka. No.123/2022/C1 dated 26.10.2022 till pending disposal of the writ petition and thus render justice.

ORDER : This Writ Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.THALAIMUTHURASU, Advocate for the petitioner and of Mr.J.ASHOK, Additional Government Pleader on behalf of the Respondents No.1 & 2, the court made the following order:-

Mr.J.Ashok, learned Additional Government Pleader takes notice for the respondents 1 and 2.

2. Notice to the 3rd respondent returnable by 22.11.2023. Private notice is also permitted.

3. The present writ petition has been filed by an Overseer of Sivakasi Municipality, challenging the charge memo, dated 26.10.2022.

4. A perusal of the charge memo indicates that he has been charged with the allegation of not properly supervising the granting of unauthorized water connections.



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5. According to the learned counsel appearing for the writ petitioner, the charges are very vague in view of the fact that the date or the person to whom such a connection has been given, is not mentioned. The petitioner has made out a prima facie case. There shall be an order of interim stay till 22.11.2023.

6. Post on 22.11.2023. Counter by then.

sd/-
20/10/2023

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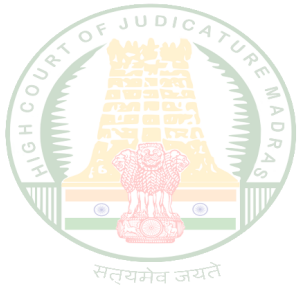
/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GBG
TO

1 THE PRINCIPAL SECRETARY
MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT,
SECRETARIAT,
CHENNAI - 9.

2 THE DIRECTOR OF MUNICIPAL ADMINISTRATION,
NO.75, URBAN ADMINISTRATIVE BUILDING,
SANTHOME HIGH ROAD,
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CHENNAI - 28.

3 THE COMMISSIONER
SIVAKASI CORPORATION,
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VIRUDHUNAGAR DISTRICT.



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+1. C.C. to Mr.G.THALAIMUTHURASU Advocate SR.No.15555

ORDER
IN
WP(MD) No.25609 of 2023
AND
WMP(MD) No.21795 of 2023

Date :20/10/2023

SA/VRS/SAR. /31.10.2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.