

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.33323 of 2012

& M.P.Nos.2 of 2012 and 1 of 2015

Sivakami

...Petitioner

Vs

1. The District Collector,
Krishnagiri District,
Krishnagiri.

2. The Panchayat Union Commissioner,
Kaveripattinam,
Krishnagiri District.

3. The Chairman,
Kaveripattinam Panchayat Union,
Kaveripattinam.
Krishnagiri District.

.. Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the orders in (i) Pro.Na.Ka.No.13921/2012/X2 dated 12.09.2012 of the first respondent and (ii) Endt. No.2113/2009/A6 dated 13.09.2012 in No. (1) and (2), quash the same and to issue consequential directions to the respondents to reinstate the petitioner in service with all consequential benefits

For Petitioner : Mr.R.Rajavel

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition challenging the proceedings of the first respondent dated 12.09.2012 and the consequential endorsement dated 13.09.2012 and to direct the respondents to reinstate her in service.

3. The petitioner claims that she was appointed as an Assistant to the Cook in a Nutritious Meals Center attached to the Government Higher Secondary School, Kaveripattinam. The grievance of the petitioner is that she has been terminated from service without following the principles of natural justice and without issuing any notice. The order of termination removing the petitioner from service was passed by the second respondent on 13.09.2012 solely based upon the communication dated 12.09.2012 of the first respondent.

4. At the time of admission, taking into consideration the averment made in the affidavit filed in support of the writ petition that the impugned order has been passed without notice, an order of interim stay has been granted. Based on the interim order dated 13.12.2012, the petitioner is working in the said post.

5. On a perusal of the proceedings of the District Collector, Krishnagiri, dated 12.09.2012, it is clear that there are serious allegations made against the Block Development Officer by name Amaravel, who said to have issued bogus appointment orders to 25 persons, including the petitioner. This fact has come to the notice of the first respondent-District Collector, Krishnagiri, who in turn, directed the second respondent to take immediate action by terminating the services of 9 cooks and 16 Cook Assistants, since the appointment orders issued to them are bogus.

6. In my view, if the allegation made against the said Block Development Officer and the consequential appointment order issued to the petitioner is found to be correct, it is a very serious allegation which is required to be examined. In such event, the petitioner cannot be allowed to function in the post till she get herself exonerated. Prima facie, the order of termination passed against the petitioner is without any notice or conducting any enquiry.

7. In view of the above, the writ petition is disposed of with a direction to the respondents to issue a charge memo to the petitioner and proceed further in accordance with law. If the petitioner had worked by virtue of the interim order granted by this Court and ultimately she is exonerated, she will be entitled for the salary to that period. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

raa

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Panchayat Union Commissioner,
Kaveripattinam,
Krishnagiri District.
3. The Chairman,
Kaveripattinam Panchayat Union,
Kaveripattinam.
Krishnagiri District.

+1cc to Mr.C.Mahendren, Advocate sr.no.36870.

vg[co]
srg 27.07

W.P.No.33323 of 2012

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