



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2015

C O R A M

THE HONOURABLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No. 771 of 2015

and

M.P (MD) Nos. 1 and 2 of 2015

S.Thangapandian

...Petitioner

Vs.

The District Collector-cum-
Chairman of District Supply and
Marketing Society/
Tamil Nadu Corporation for
Development for Women Ltd.,
Ramanathapuram District,
Ramanathapuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the Impugned Order passed by the respondent in his Proceedings Roc. No. A6/1839/14 dated 16.10.2014 and quash the same as illegal, arbitrary and consequently directing the respondent to reinstate the petitioner in service with back-wages, seniority and all other attendant and other benefits and pass such further or other orders as this Court may deem fit.

For Petitioner : Mr.B.Saravanan
For Respondents : Mr.K.P.Krishnadoss
Govt. Advocate

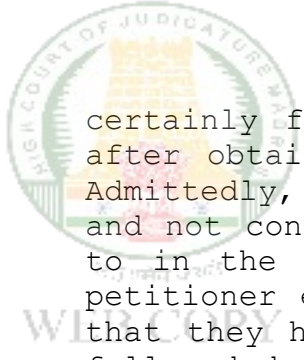
O R D E R

The petitioner is aggrieved against the order of the District Collector, Ramanathapuram, who is also Chairman of District Supply and Marketing Society, Ramanathapuram District. Through the impugned order, the petitioner was relieved from duty as Manager of District Supply and Marketing Society, Ramanathapuram with effect from 14.10.2014. The impugned order came to be passed based on certain allegations made against the petitioner.

2. This writ petition is filed challenging the impugned order mainly by contending that as the relieving order passed against the petitioner is stigmatic in nature, the same cannot be passed without following due procedure of law by issuing the charge memo and conducting an enquiry.

3. Learned Government Advocate appearing for the respondent submitted that even though the charge memo was not issued against the petitioner, since the present order impugned in this writ petition is the one relieving the petitioner from service, the petitioner is at liberty to approach the District Collector seeking for reinstatement in service.

4. As rightly pointed out by the learned counsel appearing for the petitioner, as the present impugned order came to be passed by making charges against the petitioner more particularly non-performance of his duty and non-completion of the task assigned by him, needless to say that if any such allegation is made, it should be



certainly followed by issuing a charge memo against the petitioner and after obtaining his explanation, an enquiry should have been conducted. Admittedly, in this case, the respondent has not issued any charge memo and not conducted any enquiry. It appears that the charge memo referred to in the impugned order is in fact not a charge memo issued to the petitioner earlier, that too in respect of various bills. Even assuming that they have to be taken as a charge memo, not conducting an enquiry followed by the same, thereafter, would certainly vitiate the entire proceedings, especially when the petitioner herein is disputing the allegations made against him. Therefore, I am of the view that the impugned order cannot be sustained on the ground of violation of principles of natural justice.

5. Accordingly, the impugned order is set aside and the matter is remitted back to the respondent for proceedings against the petitioner by following due process law. Such exercise shall be done and final order shall be passed by the respondent within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To
The District Collector-cum-
Chairman of District Supply and
Marketing Society/
Tamil Nadu Corporation for
Development for Women Ltd.,
Ramanathapuram District,
Ramanathapuram.

+1CC to M/s.B.Saravanan, Advocate in SR.9040

W.P. (MD) No.771 of 2015
and
M.P (MD) Nos.1 and 2 of 2015
25.02.2015

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