

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.27090 of 2016

and

WMP.Nos.23264 of 2016 & 13443 of 2017

Sri Saraswathi Private Industrial Training Institute
Rep. by its Correspondent
Viswam Nagar, Arasur
Sirkazhi, Nagapattinam District. ... Petitioner

Vs.

- 1.The Secretary to Government
Labour and Employment Department
Fort St.George, Chennai-600 009.
- 2.The Director of Employment & Training
Guindy, Chennai-32.
- 3.The Regional Joint Director (Training)
Trichy Region, Khajah Malai,
Trichy - 20. Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records pertaining to the orders of the second respondent in Na.Ka.14986/Kai.Pa.3/2016 dated 08.07.2016 and quash the same.

For Petitioner : Mr.S.Kamadevan
For Respondents : Mr.A.Kumar
Special Government Pleader

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O R D E R

The petitioner is aggrieved against the order passed by the second respondent dated 08.07.2016, wherein and whereby, the petitioner was called upon not to admit the students from August 2016 onwards, based on a proceedings issued by the first respondent in letter No.27864/S2/2013-5, dated 11.04.2016.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. A counter affidavit is filed by the respondents opposing the writ petition.

4. The main grievance of the petitioner before this Court is that the impugned order was passed in violation of principles of natural justice, as the petitioner was not put on notice before passing the said order. It is the further contention of the petitioner that the proceedings of the first respondent dated 11.04.2016, which was the basis for the impugned order dated 08.07.2016, was also passed against the interest of the petitioner, without affording an opportunity of hearing. Therefore, it is contended that punishing the petitioner without giving an opportunity of hearing, cannot be sustained.

5. The learned Special Government Pleader submitted that since an amount of Rs.1,54,000/- was re-paid by the petitioner, the first respondent issued a proceedings dated 11.04.2016 holding that the allegation made against the petitioner was proved and consequently, the second respondent has passed the impugned order. However, he is fair enough to admit that both the proceedings were passed without affording an opportunity of hearing to the petitioner.

6. Needless to say that the impugned proceedings are penal in nature and hence cannot be passed without putting the petitioner on notice and hearing them on merits. Therefore, without going into the merits of the matter, this Court is inclined to set aside the impugned order passed by the second respondent only on the ground of violation of principles of natural justice. Accordingly, this writ petition is allowed and the impugned order is set aside. However, the petitioner shall treat the impugned order as a show cause notice and place their objection before the respondents within a period of four weeks from the date of receipt of a copy of this order. On receipt of such objections, the respondents will consider the matter afresh and pass appropriate orders on merits and in accordance with law, within a period of four weeks, thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mk

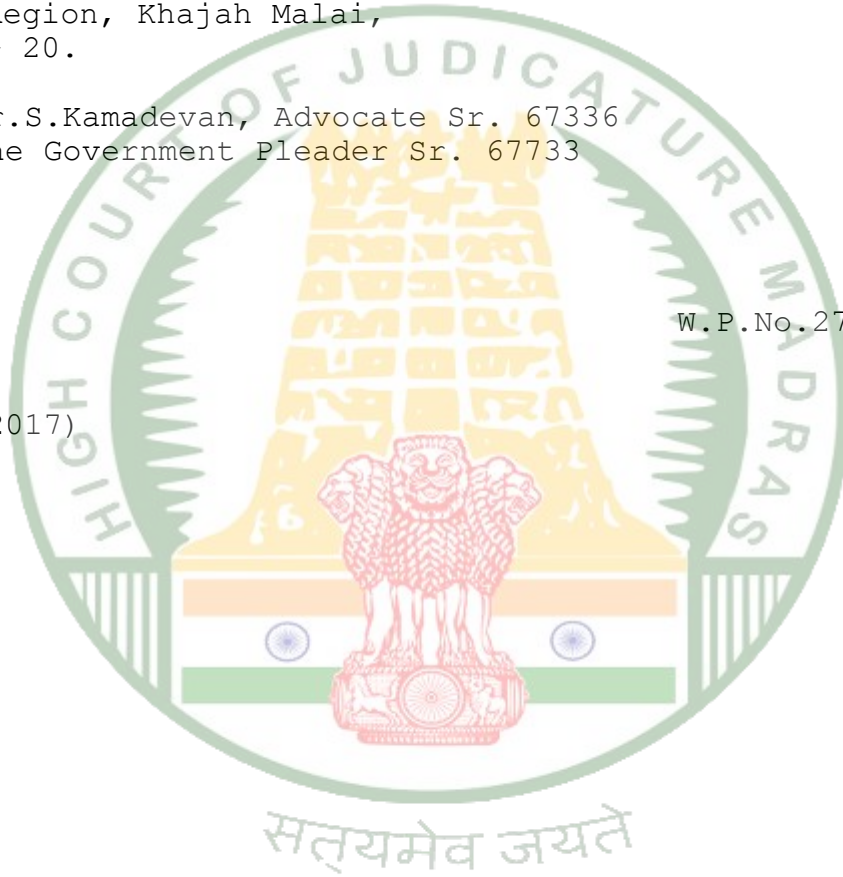
To

- 1.The Secretary to Government
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Guindy, Chennai-32.
- 3.The Regional Joint Director (Training)
Trichy Region, Khajah Malai,
Trichy - 20.

+1cc to Mr.S.Kamadevan, Advocate Sr. 67336
+1cc to the Government Pleader Sr. 67733

W.P.No.27090 of 2016

AR(IV)
VR(20/09/2017)



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