

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28625 of 2017

and

W.M.P.No.30793 of 2017

R.Balakrishnan ..Petitioner

vs

1.The Joint Registrar of Co-operative Societies,
Nagappatinam Region,
Nagappatinam.

2.The Deputy Registrar of Co-operative Societies,
Nagappatinam Circle,
Nagappatinam,
Nagappatinam District.

3.The President,
ZA, 87, Melappoodhanoor Primary Agricultural
Co-operative Credit Society Ltd.,
Melappoodhanoor,
Keezhathanjavur Post,
Nagappatinam District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the orders of the first respondent in Na.Ka.No.602/2011/Po.Vi.Thi (2) dated 01.11.2017 and the consequential orders passed by the third respondent in order No.2 dated 01.11.2017 quash the same and further direct the respondents to reinstate the petitioner into service with all consequential benefits.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader
(Co-operatives)

O R D E R

The order of termination of the writ petitioner is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner was recruited after participating the process of interview. This apart, the petitioner has been permitted to the higher post and thereafter, the order of termination was issued without even issuing any show cause notice and any opportunity to the writ petitioner.

3.Thus, at the outset, the impugned order is in violation of the principles of natural justice. The writ petitioner was not even a termination simpliciter cannot be issued without providing an opportunity to the employee concerned.

4.The learned Special Government Pleader appearing on behalf of the respondents states that there were large scale of illegalities and corrupt activities took place at the time of selection by the District Recruitment Bureau.

5.The Joint Registrar of Co-operative Societies, who was in charge of the District Recruitment Bureau, committed illegalities and a criminal case was registered against him and the same is pending. This apart, departmental actions were also initiated. Thus, the respondents considered all these aspects and terminated the services of the writ petitioner as he was not eligible for appointment.

6.May that it be, this Court is of an opinion that even for the issuance of an order of termination simpliciter, an employee is entitled to be heard. Admittedly, no show cause notice or opportunity was given to the writ petitioner to be issued in the impugned order of termination. Thus, the present writ petition is a fit case for remittance. Accordingly, the impugned order passed by the first respondent in proceedings in Na.Ka.No.602/2011/Po.Vi.Thi (2) dated 01.11.2017 and the consequential order passed by the third respondent on Order No.2 dated 01.11.2017 are quashed.

7. The respondents are directed to issue a fresh show cause notice to the writ petitioner within a period of three weeks from the date of receipt of a copy of this order, setting out all the details enabling the petitioner to submit his explanations/objections and on receipt of any such explanation/objections from the writ petitioner pass final orders, considering all the issues based on the records available within a period of twelve weeks thereafter.

8. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

dss/kak

To

1. The Joint Registrar of Co-operative Societies,
Nagappatinam Region,
Nagappatinam.

2. The Deputy Registrar of Co-operative Societies,
Nagappatinam Circle, Nagappatinam,
Nagappatinam District.

3. The President,
ZA, 87, Melappoodhanoor Primary Agricultural
Co-operative Credit Society Ltd.,
Melappoodhanoor, Keezhathanjavur Post,
Nagappatinam District.

+1cc to Mr. S. KAMADEVAN, Advocate, S.R.No. 35500

+1cc to the Special Government Pleader, S.R.No. 35854

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and W.M.P.No. 30793 of 2017

SVN(CO)
TR(12/06/2018)

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