



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No.2456 of 2017

and

W.M.P (MD) Nos.2080 and 2081 of 2017

P.Marilakshmi

... Petitioner

Vs.

1. The Director cum Mission Director,
Directorate of Integrated Child
Development Service (ICDS),
Pammal Nallathambi Street,
Periyar Nagar,
Tharamani,
Chennai - 600 113.

2. The District Collector,
Collectorate,
Madurai,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of termination without enquiry in Se.Mu.Na.Ka.No.3657/A1/2016, dated 22.12.2016 on the file of the respondent No.2, and quash the same as illegal and consequently to direct the respondent No.2 to reinstate the petitioner in service with all service and monetary benefits within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader.**ORDER**

The petitioner was employed as Anganwadi Assistant. By the order impugned in this writ petition, she was dismissed from service. The same is assailed in this writ petition.

2.The learned counsel appearing for the writ petitioner, on instructions, submitted that the petitioner would not press claim for any backwages and she would be satisfied, if the continuity of service alone is ordered.



3.No doubt, the allegations set out in the impugned order are fairly grave. But then no employee can be thrown out without an enquiry. In this case, the petitioner was appointed as Anganwadi Assistant in the year 2012. She is a regular employee. Therefore, such a person cannot be dismissed from service without any enquiry. Since by the order impugned in this writ petition, the petitioner has been straightaway dismissed without such an enquiry, there is a gross violation of the principles of natural justice.

4.In this view of the matter, the order impugned in this writ petition is set aside and the writ petitioner shall be reinstated in service with continuity of service alone. The backwages are denied.

5.This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Director cum Mission Director,
Directorate of Integrated Child
Development Service (ICDS)
Pammal Nallathambi Street,
Periyar Nagar,
Tharamani,
Chennai - 600 113.

2. The District Collector,
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Madurai District.

+1CC to Mr.T.LAJAPATHI ROY, Advocate, SR.No.58807
+1CC to the Special Government Pleader SR.No.59464

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ES/SKN/RSK/SAR 4/04.07.2018/2P/5C