IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-04-2019

CORAM

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

W.P.No.5679 of 2018
and
W.M.P.Nos.7027 and 7028 of 2018

1.S.Babu
2.G.Manohar
3.I.Princy
4.S.Narayanamoorthy
5.B.Anbu
6.A.Sivadevi
7.C.Vijayalakshmi
8.P.Rajendran
9.A.Devika
10.M.Govindasamy
11.C.Amuthavalli
12.M.P.Vijaya
13.V.Sivakumar
14.S.Thilshath Begam
15.A.Krishnaveni
16.R.Jeeva
17.P.Sekar
18.D.Padma
19.V.Jothi
20.L.Gangadevi
21.J.Valarmathi
22.V.Dhanalakshmi
23.L.Vijayalakshmi
24.R.Vinayagamurthy
25.T.Periyanayaki .. Petitioners

..Vs..

1.The Principal Secretary to Government,
Handloom, Handicrafts, Textiles and Khadi Department,
Fort St.George,
Chennai - 600 009.

2.The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai - 600 009.

3.The Commissioner of Commercial Taxes,
Ezhilagam,
Chepauk,
Chennai.

4.The Joint Commissioner of Commercial Taxes,
Vellore Commercial Taxes Division,
Vellore.

5.The Joint Commissioner of Commercial Taxes,
Coimbatore Commercial Taxes Division,
Coimbatore. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned letter of the first respondent in Letter No.2928/ F1/2016-8 dated 19.12.2017 and quash the same as illegal and unlawful.

For Petitioners : Mr.J.Pooventhera Rajan

O R D E R

The grievances of the writ petitioners are that the Special Grade benefits granted to the writ petitioners are sought to be recovered by way of letter dated 19.12.2017, without even issuing a show cause notice and opportunity to the writ petitioners.

2. Though the learned counsel for the writ petitioners made a submission in respect of the merits of the case, this Court is of an opinion that the same ought to be adjudicated by the Competent Authorities only after receiving the explanation / objections from the aggrieved employees. It is an established principle that an order effecting the service rights and conditions of the employees cannot be issued without providing an opportunity to all such employees.

3. In the present case on hand, the respondents are unable to establish that such an opportunity was provided or show cause notice was issued to these writ petitioners and therefore, it is a fit case for remand. Accordingly, the impugned order passed by the first respondent in Letter No.2928/F1/2016-8 dated 19.12.2017 is quashed.

4. The respondents are directed to issue show cause notice to all the writ petitioners within a period of four weeks from the date of receipt of a copy of this order. On receipt of the show cause notice, the writ petitioners are directed to

submit their objections / explanations along with the relevant orders or documents within a period of two weeks from the date of receipt of a copy of the show cause notice thereafter. The Competent Authorities shall consider the records and materials available and accordingly pass order on merits and in accordance with law within a period of twelve weeks thereafter.

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

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Svn Sub Assistant Registrar

To

1. The Principal Secretary to Government,
   Handloom, Handicrafts, Textiles and Khadi Department,
   Fort St.George,
   Chennai - 600 009.

2. The Secretary to Government,
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   Vellore Commercial Taxes Division,
   Vellore.

5. The Joint Commissioner of Commercial Taxes,
   Coimbatore Commercial Taxes Division,
   Coimbatore.

+1 cc to Mr.J.Pooventhera Rajan, Advocate, S.R.No.39274

W.P.No.5679 of 2018

KJ(CO)
SSM(22/05/2019).