

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.02.2019

CORAM

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

W.P.No.15225 of 2018

and

W.M.P.No.18049 to 184051 of 2018

1.M.Santha
2.D.Mary Helen Elizabeth
3.P.Usha
4.S.Usharani
5.K.S.Subeda Bee
6.T.Vasantha
7.N.Jamuna
8.V.Sethuraman
9.G.Sarojini
10.N.Mangayarkarasi
11.C.P.Baskaran
12.S.Venkataraman
.. Petitioner

..vs..

- 1.The Principal Secretary to Government,
Handloom, Handicrafts, Textiles and Khadi Department,
Fort St.George,
Chennai - 600 009.
- 2.The Secretary to Government,
Labour and Employment and Department,
Fort St.George,
Chennai - 600 009.
- 3.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.
- 4.The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
- 5.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the record 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
For Respondents : Mrs.P.Rajalakshmi
Additional Government Pleader

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 petitioner.

2. Though the learned counsel 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 4 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 2 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 12 weeks thereafter.

5. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

Pns
To

- 1.The Principal Secretary to Government,
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Fort St.George,
Chennai - 600 009.
- 5.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.

+1 CC TO GOVERNMENT PLEADER SR.NO. 17035

W.P.No.15225 of 2018
and

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A.SK(18/03/2019)

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