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W.P.Nos.8189, 8197, 8198, and 8199 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.10.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.Nos.8189, 8197, 8198 and 8199 of 2022

and

WMP Nos.8189, 8194 to 8197, 19433, 19440, 19443,
19459 & 19464 of 2022

M. Yoganathan ..Petitioner in WP No.8189 of 2022

A.Ravi ..Petitioner in WP No.8197 of 2022

G.Millar ..Petitioner in WP No.8198 of 2022

N.Gopalakrishnan ..Petitioner in WP No.8199 of 2022

-Vs-

1. Government of Tamil Nadu,
Represented by its Principal Secretary,
Rural Development & Panchayat Raj Department,
Fort St.George, Chennai-600 015.
2. The Director/Commissioner,
Rural Development & Panchayat Raj Department,
Having Office at Panagal Maaligai,
Saidapet, Chennai-600 015.
3. The District Collector,
Thiruvallur District
Thiruvallur. .. Respondents 1 to 3 in all the writ petitions
4. The Commissioner/Block Development Officer,
Sholavaran Panchayat Union,



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Thiruvallur-631 209.

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5. The Commissioner/Block Development Officer,
Puzhal Panchayat Union, Thiruvallur District.

6. The Commissioner/Block Development Officer,
Villivakkam Panchayat Union at Ambattur
Thiruvallur District

..Respondents 4 to 6 in W.P.No.8189 of 2022

7. The Commissioner/Block Development Officer,
Tiruttani Panchayat Union, Tiruttani,
Thiruvallur District-631 209 ...4th respondent in WP No.8197 of 2022

8. The Commissioner/Block Development Officer,
Poondi Panchayat Union,
Thiruvallur District-631 209.

9. The Commissioner/Block Development Officer,
Morappur Panchayat Union,
Harur Taluk, Dharmapuri District
...Respondents 4 and 5 in WP No.8198 of
2022

10. The Commissioner/Block Development Officer,
Poondi Panchayat Union, Tiruttani,
Thiruvallur District-631 209

11. The Commissioner/Block Development Officer,
Gummidipoondi Panchayat Union,
Gummudipoondi,
Thiruvallur District
.... Respondents 4 and 5 in WP No.8199 of
2022

Prayer: Writ Petitions filed under Article 226 of the Constitution of India to
issue Writ of Certiorari to call for the records from the third respondent



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pertaining to the notice vide Na.Ka.15353/2012/PA3 dated 21.03.2022 and

and quash the same.

For Petitioners : Mr.V.Jayaprakash Narayanan
(all the writ petitions)

For Respondents : Mr.P.Balathandayutham
Spl.Govt.Pleader
For R.1 to R.3
(in all the writ petitions)

Mr.G.Nanmaran,
Spl.Govt.Pleader
for R4 & R5
Mr.S.Ravichandran,
Addl.Govt.Pleader for R6
(in W.P.No.8189 of 2022)

Mr.Muthusamy
Govt.Advocate
for R.4
(in WP No.8197 of 2022)

Mr.G.N.Murali,
Govt.Advocate
For R.4 & R.5
(in WP No.8198 of 2022)

Mr.L.S.M.Hasan Fizal
AGP
For R.4
(in WP No.8199 of 2022)

Mr.A.Anandan
Govt.Advocate
for R.5
(in WP No.8199 of 2022)



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COMMON ORDER

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2. Admittedly, no final orders have been passed terminating the service of the respective petitioners. The petitioners have challenged the impugned show cause notice on the ground that they have been in service for the past several years and they have been regularised in the year 2012 itself and they have been regularly getting salary, based on their respective appointment orders. It is also contended by the respective petitioners that the probation was also declared by the respondents in the year 2013 itself. However, without following the procedure established under law, by holding enquiry, the respondents are now attempting to terminate the service of the petitioners by issuing the impugned show cause notice, which according to them, has been issued in violation of principles of natural justice. The petitioners have already submitted their explanation to the impugned show cause notice wherein, the contentions raised in these writ petitions have been disclosed. These petitioners have also been receiving salary till date in accordance with their respective appointment orders from the respondents.



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3. When no final orders are passed and when the petitioners have already submitted the explanation to the impugned show cause notice, this Court is of the considered view that the respective petitioners have approached this Court prematurely without waiting for the outcome of the final orders. However, the respondents will have to give due consideration to the explanation submitted by the respective petitioners to the impugned show cause notice while passing the final orders. The contentions of the respective petitioners that have been raised in these writ petitions will have to be necessarily considered by the respondents in the final order to be passed by them pursuant to the explanation submitted by the respective petitioners to the impugned show cause notice.

4. Accordingly, these Writ Petitions are disposed of by directing the 3rd respondent to pass final orders pursuant to the impugned show cause notice, after giving due consideration to the petitioners' explanation all dated 28.03.2022 and after affording one personal hearing to the respective petitioners and by following the procedure established under law, within a period of twelve weeks from the date of receipt of a copy of this order. Till final orders are passed, to protect the interest of the petitioners, as they have been in service for a long period of time, no coercive steps shall be taken against them by the respondents and the respondents shall continue to pay



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salary as was done earlier. No costs. Consequently, connected miscellaneous petitions are closed.

27.10.2022

Speaking/Non-speaking order

Index: Yes/No

vsi

To

1. The Principal Secretary,
Government of Tamil Nadu
Rural Development & Panchayat Raj Department,
Fort St.George, Chennai-600 015.
2. The Director/Commissioner,
Rural Development & Panchayat Raj Department,
Having Office at Panagal Maaligai,
Saidapet, Chennai-600 015.
3. The District Collector,
Thiruvallur District
Thiruvallur.
4. The Commissioner/Block Development Officer,
Sholavaran Panchayat Union,
Thiruvallur-631 209.
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ABDUL QUDDHOSE,J.

Vsi

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