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W.P.No.8195 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.10.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.8195 of 2022
and WMP No.8194 of 2022

M.A.Arulmani

..Petitioner

-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.
4. The Commissioner/Block Development Officer,
Puzhal Panchayat Union,
Thiruvallur-600 066.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records from the third respondent pertaining to the notice vide Na.Ka.15353/2012/PA3 dated 21.03.2022 and relieving order bearing No.Na.Ka.No.15353/2012/Pa.A3 dated 29/03/2022



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and quash the same.

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For Petitioners : Mr.V.Jayaprakash Narayanan

For Respondents : Mr.P.Balathandayutham
Spl.Govt.Pleader
For R.1 to R.3
Mr.S.Ravichandran
Addl.Govt. Pleader
for R.4

ORDER

This writ petition has been filed challenging the impugned show cause notice dated 21.03.2021 and the consequential relieving order dated 29.03.2022 passed by the 3rd respondent on the ground that arbitrarily and illegally, by not following the procedure established under law, the petitioner has been terminated from service.

2. According to the petitioner, he has been in service with the respondent for the past several years from 1995 onwards and he was regularised in service in the year 2012 and his probation was also declared in the year 2013. According to him, the impugned show cause notice was issued on 21.03.2022 calling for explanation from the petitioner and immediately thereafter, on receipt of the same, on 28.03.2022, the petitioner had sent a reply submitting his explanation. But without considering the same, by total non-application of mind, the impugned order dated 29.03.2022 has been passed relieving the petitioner from service.



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3. As seen from the impugned order, the explanation submitted by the petitioner which was given on 28.03.2022 has not been considered by the 3rd respondent. The petitioner claims that he has been in service for a very long period of time. He claims that he has been regularised in service in the year 2012 and thereafter, his probation was also declared in the year 2013. Therefore, the respondents ought to have given sufficient opportunity for him before terminating his service. The petitioner has raised several grounds in this writ petition including the ground that without holding any enquiry in accordance with the procedure established under law, the 3rd respondent has passed the impugned order dated 29.03.2022 relieving the petitioner from service. The contentions of the petitioner that has been raised in this writ petition will have to be necessarily considered by the respondents. Having not considered the same in the impugned order dated 29.03.2022, terminating the service of the petitioner, the impugned order has to be necessarily quashed and the matter has to be remanded back to the 3rd respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court. The petitioner also contends that despite being in service for a very long period of time and having been paid the salary till date, by the issuance of termination order dated 29.03.2022, he has been deprived of his salary ever since the said date.



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Therefore, all these factors will have to be considered by the 3rd respondent while passing the final order pursuant to the directions given by this Court today.

4. For the foregoing reasons, the impugned order dated 21.03.2022 passed by the 3rd respondent is hereby quashed and the matter is remanded back to the 3rd respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including providing him with one personal hearing. The 3rd respondent shall pass final orders within a period of twelve weeks from the date of receipt of a copy of this order. If the petitioner succeeds in the enquiry proceedings, the respondents shall pay his arrears of salary immediately thereafter.

5. With the aforesaid directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.10.2022

Speaking/Non-speaking order

Index: Yes/No

vsi

To



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ABDUL QUDDHOSE,J.



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