



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MRS.JUSTICE N.MALA

W.A.No.1288 of 2022

&

C.M.P. Nos. 8138 & 8140 of 2022

Mrs. V. Alagu Maheswari

..Appellant/Petitioner

Vs.

Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

..Respondent/Respondent

Prayer:Writ Appeal under Clause 15 of Letters Patent as against
the order dated 28.03.2022 passed in W.P.No.21422 of 2021.

Prayer in W.P.No.21422 of 2021: Writ of certiorarified Mandamus
calling for the records of the impugned proceedings of the
Respondent vide Memo.No.E-3/1612/ 2020-5 dated 25.09.2021 and
quash the same and further issued necessary direction to the
Respondent to the service of the petitioner.

For Appellant :: Mr.M.K. Ajith Kumar

For Respondent :: Mr.R. Sivakumar for
M/s. Siva & Seshu Associates

J U D G M E N T

S. Vaidyanathan,J.

And

N. Mala,J.

The writ appeal is directed against the order dated
28.03.2022 passed in W.P. No. 21422 of 2021.

2.The appellant, who was appointed by the respondent,
pursuant to a selection process, was issued with proceedings
dated 25.09.2021 stating that the respondent has decided to
terminate the service of the appellant as they found some



irregularities in the appointment made. Challenging the said proceedings, the writ petition came to be filed by the appellant herein.

3. The learned Single Judge, after hearing the parties, passed the following order:

"4. The said submissions of the learned Advocate General is recorded and by consent of both the learned counsels the following directions are issued:

(i) The respondent is directed to issue a fresh show cause notice to the writ petitioners within a period of four weeks from the date of receipt of a copy of this order.

(ii) On receipt of such notice, the writ petitioners shall submit their objections/ explanations to the respondents within a period of twelve weeks thereafter.

(iii) Thereafter, the respondents after affording due opportunities to the petitioners, shall pass appropriate orders on merits and in accordance with law, as expeditiously as possible."

4. The appellant would submit that the Advocate General appearing before the learned Single Judge conceded that the impugned show cause notice has got to be withdrawn and they will issue a fresh show cause notice and proceed in accordance with law and with regard to payment of wages, the respondent CMDA had agreed to settle the salary of the writ petitioners from the date of issuance of show cause notice. According to the appellant, the Advocate General had given an undertaking to withdraw the show cause notice, but he had not stated that proceedings will be initiated and that the respondent CMDA may drop the proceedings also.

5. We are not inclined to accept the contention of the learned counsel for the appellant, more so, in the light of paragraph No.3 of the order under challenge and the consent in paragraph No.4, which is extracted supra. Even after the issuance of show cause notice and on receipt of explanation, it is open to the respondent CMDA to drop the proceedings. The time limit fixed based on consent cannot be interfered with. Moreover, if the consent, as stated by the appellant, based on which direction has been given for issuance of show cause notice and submission of explanation/objection within a time frame, was not given by the respondent CMDA, the same cannot be gone into in this writ appeal. If no such consent had been given by the learned Advocate General, it is open to the appellant to file a review and address arguments before the learned Single Judge and



it is open to the learned Single Judge to take a call. Hence, the writ appeal is disposed of with liberty to the appellant to file a review application, if so advised. No costs. Connected C.M.Ps are closed.

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Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

nv

To

The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

W.A.No.1288 of 2022

CA(CO)
RGA(27/05/2022)