



WEB COPY



W.P. No.27757 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.27757 of 2022

and

W.M.P. Nos.27048 and 27049 of 2022

R.Ananda

...Petitioner

VS.

1. The Principal Secretary to the Government,
Rural Development and Panchayat Raj Department,
Fort Saint George,
Chennai – 600 009.

2. The Director of Rural Development and
Panchayat Raj
Panagal Maligai,
Chennai.

3. The District Collector,
Tiruppur District,
Tiruppur.

4. The Personal Assistant to Collector (Development)
Tiruppur District,
Tiruppur.

5. The Commissioner
Mulanur Panchayat Union,
Tiruppur District.

... Respondents



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Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 4th respondent in Na.Ka.No.6470/2016/Vi6, dated 22.04.2022 and quash the same as illegal and unconstitutional, consequently forbear the 3rd and 4th respondents from terminating the petitioner from service without following due process as enumerated under Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

For petitioner : Mr.S.Balamurugan
For respondents : Mr.P. Balathandayutham,
Spl.Govt. Pleader for R1 to R4
Mr.G. Ameetius
Government Advocate for R5

ORDER

The petitioner has challenged the show cause notice issued by the 4th respondent dated 22.04.2022 under which the petitioner has been directed to send a reply. Under the show cause notice, there is a proposal to terminate the services of the petitioner. Admittedly, no final orders have been passed. The petitioner's apprehension in this writ petition is that without following the procedure established under law, the petitioner may be terminated from his services. The petitioner also claims that the 4th respondent has predetermined the issue and there is a possibility that the 4th respondent may terminate the services of the petitioner without



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following the procedure established under law. Undoubtedly, the respondents will have to follow the procedure established under law for terminating the services of the petitioner. Admittedly, the petitioner has challenged only the show cause notice dated 22.04.2022 calling upon the petitioner to submit his explanation. The petitioner also claims that he has already submitted his explanation to the impugned show cause notice on 09.05.2022.

2. Necessarily as observed earlier, the respondents will have to follow the procedure established under law and only thereafter terminate the services of the petitioner. Unless and until a show cause notice has been issued without jurisdiction or without authority under law or the show cause has predetermined the issue, this Court, exercising powers under Article 226 of the Constitution of India cannot interfere with the same.

3. As seen from the impugned show cause notice, the 4th respondent has only contemplated to terminate the services of the petitioner and has not predetermined the issue as alleged by the petitioner in this writ petition. This being the case, the challenge to the impugned show cause notice cannot be entertained by this Court. However, necessarily the respondents will have to follow the due procedure



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established under law before terminating the services of the petitioner and they will have to necessarily consider the petitioner's explanation and provide him a fair hearing before terminating his services.

4. For the foregoing reasons, this writ petition is disposed of by directing the respondents to follow the due procedure established under law and also afford a fair hearing to the petitioner before passing final orders, pursuant to the impugned show cause notice.

5. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

18.10.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To :

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2. The Director of Rural Development and
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3. The District Collector,
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ABDUL QUDDHOSE, J.

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